

Phil. Webster Jun 9. 10. 1773

THE
THIRTY-NINE ARTICLES,
AND THE
CONSTITUTIONS and CANONS,
OF THE
CHURCH OF ENGLAND;

TOGETHER WITH SEVERAL
ACTS of PARLIAMENT and PROCLAMATIONS
CONCERNING
ECCLESIASTICAL MATTERS,
(Not in the former Editions,)
SOME whereof are to be read in CHURCHES:

TO WHICH ARE ADDED,
HIS MAJESTY'S DIRECTIONS
FOR THE
Preserving of Unity in the Church, and the Purity
of the Christian Faith; particularly in the Doctrine
of the Holy Trinity:

AND
The Archbishop of CANTERBURY's Letter to the
Bishops of his Province, concerning Persons to be or-
dained or licensed for Curates.

L O N D O N :
Printed by CHARLES EYRE and WILLIAM STRAHAN,
Printers to the King's Most Excellent Majesty. 1773.



T H E
P R E F A C E.

A Collection of Articles, Canons, Injunctions, &c. *to which Recourse may be had upon all Occasions, must certainly be of considerable Use, especially to those who are in Holy Orders. There is none such, that I know of, yet extant, that of Bishop Sparrow excepted; which is of greater Price than can well be purchased by Persons of a very slender Income, and great Necessities; (such as are, God knows, too many of the Clergy:) And yet even that wants the present King's Injunctions and Directions, as likewise several Acts of Parliament, which cannot so easily be come at by them. It has therefore been thought adviseable, to publish this present Collection of Articles, Canons, Injunctions, &c. together with several Acts of Parliament concerning Ecclesiastical Matters, some whereof are to be read in Churches, in order to their better Accommodation, and the Publick Good.*

To be read in CHURCHES.

*AN Act for a Publick Thanksgiving, on the
Fifth of November,* Page 97

*Act for a Thanksgiving on the Twenty-ninth of
May,* p. 105

*Act for suppressing profane Cursing and Swear-
ing,* p. 113

*The King's Proclamation for the Encouragement
of Piety and Virtue, &c,* p. 152

HIS MAJESTY'S DECLARATION.

BEING by God's Ordinance, according to Our just Title, *Defender of the Faith, and Supreme Governor of the Church, within these Our Dominions*; We hold it most agreeable to this Our kingly Office, and Our own religious Zeal, to conserve and maintain the Church committed to Our Charge, in the unity of true Religion; and in the bond of Peace; and not to suffer unnecessary Disputations, Altercations, or Questions to be raised, which may nourish Faction both in the Church and Commonwealth. We have therefore, upon mature deliberation, and with the advice of so many of Our Bishops as might conveniently be called together, thought fit to make this Declaration following:

That the Articles of the Church of *England*, (which have been allowed and authorised heretofore, and which Our Clergy generally have subscribed unto) do contain the true Doctrine of the Church of *England*, agreeable to God's Word: which We do therefore ratify and confirm, requiring all Our loving Subjects to continue in the uniform profession thereof, and prohibiting the least difference from the said Articles; which to that end We command to be new printed, and this Our Declaration to be published therewith.

That We are Supreme Governor of the Church of *England*: And that if any difference arise about the external policy concerning *Injunctions, Canons, and other Constitutions* whatsoever thereto belonging, the Clergy in their Convocation is to order and settle them, having first obtained leave under Our Broad Seal so to do, and We approving their said Ordinances and Constitutions; providing, that none be made contrary to the Laws and Customs of the Land.

That out of Our Princely Care, that the Churchmen may do the work which is proper unto them, the Bishops and Clergy, from time to time, in Convocation, upon their humble desire, shall have Licence under Our Broad Seal to deliberate of, and to do all such things, as being made plain by them, and assented unto by Us, shall concern the settled continuance of the Doctrine and Discipline of the Church of *England* now established; from which We will not endure any varying or departing in the least degree.

A

That

That for the present, though some Differences have been ill raised, yet We take comfort in this, that all Clergymen within Our Realm have always most willingly subscribed to the Articles established; which is an Argument to Us, that they all agree in the true, usual, literal meaning of the said Articles, and that even in those curious Points, in which the present Differences lie, Men of all sorts take the Articles of the Church of *England* to be for them; which is an Argument again, that none of them intend any Desertion of the Articles established.

That therefore in these both curious and unhappy Differences, which have for so many hundred years, in different times and places, exercised the Church of Christ, We will, that all further curious Search be laid aside, and these Disputes shut up in God's Promises, as they be generally set forth to us in the holy Scriptures, and the general meaning of the Articles of the Church of *England*, according to them: And that no man hereafter shall either print or preach to draw the Article aside any way, but shall submit to it in the plain and full meaning thereof; and shall not put his own Sense or Comment to be the meaning of the Article, but shall take it in the literal and grammatical Sense.

That if any publick Reader in either Our Universities, or any Head or Master of a College, or any other person respectively in either of them, shall affix any new Sense to any Article, or shall publicly read, determine, or hold any publick Disputation, or suffer any such to be held either way, in either the Universities or Colleges respectively; or if any Divine in the Universities shall preach or print any thing either way, other than is already established in Convocation with Our Royal Assent; he or they the Offenders shall be liable to Our Displeasure, and the Church Censure in Our Commission Ecclesiastical, as well as any other: And We will see there shall be due Execution upon them.

ARTICLES agreed upon by the ARCHBISHOPS and BISHOPS of both Provinces; and the whole Clergy, in the Convocation holden at *London*, in the Year 1562, for the avoiding of Diversities of Opinions, and for the stablishing of Consent touching true Religion.

I. Of Faith in the Holy Trinity.

THERE is but one living and true God, everlasting, without Body, Parts, or Passions; of infinite Power, Wisdom, and Goodness; the Maker and Preserver of all things, both visible and invisible. And in unity of this Godhead there be three Persons of one substance, power, and eternity; the Father, the Son, and the Holy Ghost.

II. Of the Word, or Son of God, which was made very Man.

THE Son, which is the Word of the Father, begotten from everlasting of the Father, the very and eternal God, of one substance with the Father, took Man's nature in the womb of the blessed Virgin, of her substance: so that two whole and perfect Natures, that is to say, the Godhead and Manhood, were joined together in one person, never to be divided, whereof is one Christ, very God and very Man; who truly suffered, was crucified, dead, and buried, to reconcile his Father to us, and to be a sacrifice, not only for original guilt, but also for actual sins of men.

III. Of the going down of Christ into Hell.

AS Christ died for us, and was buried; so also is it to be believed that he went down into Hell.

IV. Of the Resurrection of Christ.

CHRIST did truly rise again from death, and took again his body, with flesh, bones, and all things appertaining to the perfection of Man's nature; wherewith he ascended into Heaven, and there sitteth, until he return to judge all men at the last day.

Articles of Religion.

V. Of the Holy Ghost.

THE Holy Ghost, proceeding from the Father and the Son, is of one Substance, Majesty, and Glory, with the Father and the Son, very and eternal God.

VI. Of the Sufficiency of the holy Scriptures for Salvation.

HOLY Scripture containeth all things necessary to salvation: so that whatsoever is not read therein, nor may be proved thereby, is not to be required of any man that it should be believed as an Article of the Faith, or be thought requisite or necessary to Salvation. In the Name of the holy Scripture we do understand those Canonical Books of the Old and New Testament, of whose Authority was never any doubt in the Church.

¶ Of the Names and Number of the Canonical Books.

GENESIS;

Exodus,

Leviticus,

Numeri,

Deuteronomium,

Joshua,

Judges,

Ruth,

The First Book of Samuel,

The Second Book of Samuel,

The First Book of Kings,

The Second Book of Kings,

The First Book of Chronicles,

The Second Book of Chronicles,

The First Book of Esdras,

The Second Book of Esdras,

The Book of Hester,

The Book of Job,

The Psalms,

The Proverbs,

Ecclesiastes, or Preacher,

Cantica, or Songs of Solomon,

Four Prophets the Greater,

Twelve Prophets the Less.

And the other Books (as Hierome saith) the Church doth read for example of life and instruction of manners; but yet doth it not apply them to establish any Doctrine: such are these following:

The Third Book of Esdras,

The Fourth Book of Esdras,

The Book of Tobias,

The Book of Judith,

The rest of the Book of Hester,

The Book of Wisdom,

Jesus the Son of Sirach,

Baruch the Prophet,

The Song of the Three Children,

The Story of Susanna,

Of Bel and the Dragon,

The Prayer of Manasses,

The First Book of Maccabees,

The Second Book of Maccabees.

All the Books of the New Testament, as they are commonly received, we do receive, and account them Canonical.

VII. Of

Articles of Religion.

5

VII. *Of the Old Testament.*

THE Old Testament is not contrary to the New; for both in the Old and New Testament everlasting life is offered to mankind by Christ, who is the only Mediator between God and Man, being both God and Man. Wherefore they are not to be heard, which feign, that the old Fathers did look only for transitory promises. Although the law given from God by Moses, as touching Ceremonies and Rites, do not bind Christian men, nor the civil Precepts thereof ought of necessity to be received in any Common-wealth; yet notwithstanding, no Christian man whatsoever is free from the obedience of the Commandments which are called Moral.

VIII. *Of the Three Creeds.*

THE Three Creeds, *Nicene Creed*, *Athanasius' Creed*, and that which is commonly called the *Apostles' Creed*, ought thoroughly to be received and believed: For they may be proved by most certain Warrants of holy Scripture.

IX. *Of Original or Birth Sin.*

Original Sin standeth not in the following of *Adam*, as the *Pelagians* do vainly talk; but it is the fault and corruption of the nature of every man that naturally is ingendered of the offspring of *Adam*; whereby man is very far gone from Original Righteousness, and is of his own nature inclined to evil, so that the flesh lusteth always contrary to the Spirit; and therefore in every person born into this world, it deserveth God's wrath and damnation. And this infection of nature doth remain, yea, in them that are regenerated; whereby the lust of the flesh, called in Greek *ῥεσμενία σαρκός*, which some do expound the Wisdom, some the Sensuality, some the Affection, some the Desire of the flesh, is not subject to the law of God. And although there is no condemnation for them that believe and are baptized; yet the Apostle doth confess, that concupiscence and lust hath of itself the nature of sin.

X. *Of Free Will.*

THE condition of man, after the fall of *Adam*, is such, that he cannot turn and prepare himself by his own natural strength and good works, to faith and calling upon God: Wherefore we have no power to do good works pleasant and acceptable to God, without the Grace of God by Christ preventing us, that we may have a good will, and working with us when we have that good will.

Articles of Religion.

XI. *Of the Justification of Man.*

WE are accounted righteous before God, only for the merit of our Lord and Saviour Jesus Christ, by faith, and not for our own works or deservings. Wherefore, that we are justified by faith only, is a most wholesome doctrine, and very full of comfort, as more largely is expressed in the Homily of Justification.

XII. *Of Good Works.*

ALBEIT that good Works, which are the fruits of Faith, and follow after Justification, cannot put away our sins, and endure the severity of God's judgement; yet are they pleasing and acceptable to God in Christ, and do spring out necessarily of a true and lively faith; insomuch that by them a lively faith may be as evidently known, as a tree discerned by the fruit.

XIII. *Of Works before Justification.*

WORKS done before the grace of Christ, and the Inspiration of his Spirit, are not pleasant to God, forasmuch as they spring not of faith in Jesu Christ, neither do they make men meet to receive grace, or (as the School Authors say) deserve grace of congruity: Yea, rather for that they are not done as God hath willed and commanded them to be done, we doubt not but they have the nature of sin.

XIV. *Of Works of Supererogation.*

VOLUNTARY Works, besides, over and above God's commandments, which they call Works of Supererogation, cannot be taught without arrogancy and impiety. For by them men do declare, That they do not only render unto God as much as they are bound to do, but that they do more for his sake than of bounden duty is required; whereas Christ saith plainly, When ye have done all that are commanded to you, say, We are unprofitable servants.

XV. *Of Christ alone without Sin.*

CHRIST in the truth of our nature was made like unto us in all things, sin only except; from which he was clearly void, both in his flesh, and in his spirit. He came to be a Lamb without spot, who, by sacrifice of himself once made, should take away the sins of the world: and sin, as St. John saith, was not in him. But all we the rest, although baptized, and born again in Christ, yet offend in many things; and if we say we have no sin, we deceive ourselves, and the truth is not in us.

Articles of Religion.

7

XVI. *Of Sin after Baptism.*

NOT every deadly sin willingly committed after Baptism, is sin against the Holy Ghost, and unpardonable. Wherefore the grant of repentance is not to be denied to such as fall into sin after Baptism. After we have received the Holy Ghost, we may depart from grace given, and fall into sin, and by the grace of God (we may) arise again, and amend our lives; and therefore they are to be condemned, which say, they can no more sin as long as they live here, or deny the place of forgiveness to such as truly repent.

XVII. *Of Predestination and Election.*

Predestination to life is the everlasting purpose of God, whereby, before the foundations of the world were laid, he hath constantly decreed by his Counsel, secret to us, to deliver from curse and damnation those whom he hath chosen in Christ out of mankind, and to bring them by Christ to everlasting salvation, as vessels made to honour. Wherefore they which be endued with so excellent a benefit of God, be called according to God's purpose by his Spirit working in due season: they through grace obey the calling; they be justified freely: they be made sons of God by adoption; they be made like the image of his only-begotten Son Jesus Christ: they walk religiously in good works, and at length, by God's mercy, they attain to everlasting felicity.

As the godly consideration of Predestination, and our Election in Christ, is full of sweet, pleasant, and unspeakable comfort to godly persons, and such as feel in themselves the working of the Spirit of Christ, mortifying the works of the flesh, and their earthly members, and drawing up their mind to high and heavenly things; as well because it doth greatly establish and confirm their faith of eternal salvation to be enjoyed through Christ, as because it doth fervently kindle their love towards God; so, for curious and carnal persons, lacking the Spirit of Christ, to have continually before their eyes the sentence of God's Predestination, is a most dangerous downfall, whereby the devil doth thrust them either into desperation, or into wretchedness of most unclean living, no less perilous than desperation.

Furthermore, we must receive God's promises in such wise as they be generally set forth to us in holy Scripture: and in our doings, that will of God is to be followed, which we have expressly declared unto us in the Word of God.

XVIII. *Of obtaining eternal Salvation only by the Name of Christ.*

THEY also are to be had accursed, that presume to say, That every man shall be saved by the Law or Sect which he professeth; so that he be diligent to frame his life according to that law, and the light of nature. For holy Scripture doth set out unto us only the name of Jesus Christ, whereby men must be saved.

XIX. *Of the Church.*

THE visible Church of Christ is a Congregation of faithful men, in the which the pure Word of God is preached, and the Sacraments be duly ministered, according to Christ's Ordinance, in all those things that of necessity are requisite to the same.

As the Church of *Hierusalem*, *Alexandria*, and *Antioch*, have erred, so also the Church of *Rome* hath erred, not only in their living and manner of Ceremonies, but also in matters of Faith.

XX. *Of the Authority of the Church.*

THE Church hath power to decree Rites or Ceremonies, and Authority in Controversies of Faith: And yet it is not lawful for the Church to ordain any thing that is contrary to God's Word written; neither may it so expound one place of Scripture, that it be repugnant to another. Wherefore, although the Church be a Witness and a Keeper of holy Writ, yet, as it ought not to decree any thing against the same, so besides the same ought it not to enforce any thing to be believed for necessity of salvation.

XXI. *Of the Authority of general Councils.*

General Councils may not be gathered together without the Commandment and will of Princes. And when they be gathered together (forasmuch as they be an Assembly of men, whereof all be not governed with the Spirit and Word of God) they may err, and sometimes have erred, even in things pertaining unto God. Wherefore things ordained by them as necessary to salvation, have neither strength nor authority, unless it may be declared that they be taken out of holy Scripture.

XXII. *Of Purgatory.*

THE Romish Doctrine concerning Purgatory, Pardons, Worshipping, and Adoration, as well of Images as of Reliques, and also Invocation of Saints, is a fond thing, vainly invented, and grounded upon no warranty of Scripture, but rather repugnant to the Word of God.

XXIII. *Of*

XXIII. *Of ministering in the Congregation.*

IT is not lawful for any man to take upon him the Office of publick preaching, or ministering the Sacraments in the Congregation, before he be lawfully called, and sent to execute the same. And those we ought to judge lawfully called and sent, which be chosen and called to this work by men, who have publick authority given unto them in the congregation, to call and send Ministers into the Lord's vineyard.

XXIV. *Of speaking in the Congregation in such a Tongue as the People understandeth.*

IT is a thing plainly repugnant to the Word of God, and the custom of the Primitive Church, to have publick Prayer in the Church, or to minister the Sacraments, in a Tongue not understood of the people.

XXV. *Of the Sacraments.*

Sacraments ordained of Christ be not only badges or tokens of Christian men's profession, but rather they be certain sure witnesses, and effectual signs of grace, and God's good will towards us; by the which he doth work invisibly in us, and doth not only quicken, but also strengthen and confirm our faith in him.

There are two Sacraments ordained of Christ our Lord in the Gospel; that is to say, Baptism, and the Supper of the Lord.

Those five, commonly called Sacraments, that is to say, Confirmation, Penance, Orders, Matrimony, and Extreme Unction, are not to be counted for Sacraments of the Gospel; being such as have grown, partly of the corrupt following of the Apostles, partly are states of life allowed by the Scriptures: but yet have not like nature of Sacraments with Baptism, and the Lord's Supper, for that they have not any visible sign or ceremony ordained of God.

The Sacraments were not ordained of Christ to be gazed upon, or to be carried about, but that we should duly use them. And in such only, as worthily receive the same, they have a wholesome effect or operation: but they that receive them unworthily, purchase to themselves damnation, as St. Paul saith.

XXVI. *Of the Unworthiness of the Ministers, which binders not the Effect of the Sacraments.*

ALthough in the visible Church the evil be ever mingled with the good, and sometimes the evil have chief authority in the Ministration of the Word and Sacraments; yet,

yet, forasmuch as they do not the same in their own name, but in Christ's, and do minister by his commission and authority, we may use their Ministry, both in hearing the Word of God, and in receiving of the Sacraments. Neither is the effect of Christ's ordinance taken away by their wickedness, nor the grace of God's gifts diminished from such, as by faith, and rightly do receive the Sacraments ministered unto them; which be effectual, because of Christ's institution and promise, although they be ministered by evil men.

Nevertheless, it appertaineth to the Discipline of the Church, that enquiry be made of evil Ministers, and that they be accused by those that have knowledge of their offences; and finally, being found guilty, by just judgement be deposed.

XXVII. *Of Baptism.*

Baptism is not only a sign of profession, and mark of difference, whereby Christian men are discerned from others that be not christened; but it is also a sign of Regeneration, or New Birth, whereby, as by an instrument, they that receive Baptism rightly, are grafted into the Church; the promises of the forgiveness of sin, and of our adoption to be the sons of God by the Holy Ghost, are visibly signed and sealed; faith is confirmed, and grace increased by virtue of prayer unto God. The Baptism of young children is in any wise to be retained in the Church, as most agreeable with the institution of Christ.

XXVIII. *Of the Lord's Supper.*

THE Supper of the Lord is not only a sign of the love that Christians ought to have among themselves one to another, but rather it is a Sacrament of our redemption by Christ's death; insomuch that to such as rightly, worthily, and with faith receive the same, the bread which we break is a partaking of the Body of Christ, and likewise the Cup of Blessing is a partaking of the Blood of Christ.

Transubstantiation, or the change of the substance of bread and wine in the Supper of the Lord, cannot be proved by holy writ; but it is repugnant to the plain words of Scripture, overthroweth the nature of a Sacrament, and hath given occasion to many superstitions.

The body of Christ is given, taken, and eaten in the Supper, only after an heavenly and spiritual manner. And the mean whereby the body of Christ is received and eaten in the Supper, is Faith.

The Sacrament of the Lord's Supper was not by Christ's Ordinance reserved, carried about, lifted up, or worshipped.

XXIX. *Of*

XXIX. *Of the Wicked, which eat not the Body of Christ in the Use of the Lord's Supper.*

THE Wicked, and such as be void of a lively faith, although they do carnally and visibly press with their teeth, as Saint *Augustine* saith, the Sacrament of the Body and Blood of Christ; yet in no wise are they partakers of Christ, but rather to their condemnation do eat and drink the Sign or Sacrament of so great a thing.

XXX. *Of both Kinds.*

THE Cup of the Lord is not to be denied to the Lay-people; for both the parts of the Lord's Sacrament, by Christ's ordinance and commandment, ought to be ministered to all Christian men alike.

XXXI. *Of the one Oblation of Christ finished upon the Cross.*

THE offering of Christ once made, is that perfect Redemption, Propitiation, and Satisfaction for all the sins of the whole world, both original and actual; and there is none other satisfaction for sin, but that alone. Wherefore, the sacrifices of masses, in the which it was commonly said, that the Priest did offer Christ for the quick and the dead, to have remission of pain or guilt, were blasphemous fables, and dangerous deceits.

XXXII. *Of the Marriage of Priests.*

Bishops, Priests, and Deacons, are not commanded by God's Law, either to vow the estate of single life, or to abstain from marriage. Therefore it is lawful for them, as for all other Christian men, to marry at their own discretion, as they shall judge the same to serve better to godliness.

XXXIII. *Of excommunicate Persons, how they are to be avoided.*

THAT person, which by open denunciation of the Church is rightly cut off from the Unity of the Church, and excommunicated, ought to be taken of the whole multitude of the faithful, as an Heathen and Publican, until he be openly reconciled by penance, and received into the Church by a Judge that hath authority thereunto.

XXXIV. *Of the Traditions of the Church.*

IT is not necessary, that Traditions and Ceremonies be in all places one, or utterly like; for at all times they have been diverse, and may be changed according to the diversity of countries, times, and men's manners, so that nothing be ordained against God's Word. Whosoever, through his private judgement, willingly and purposely doth openly break the Traditions and Ceremonies of the Church, which be not repugnant to the Word of God, and be ordained and approved by common authority, ought to be rebuked openly, that

that other may fear to do the like, as he that offendeth against the common order of the Church, and hurteth the authority of the Magistrate, and woundeth the consciences of the weak brethren.

Every particular or national Church hath authority to ordain, change, and abolish ceremonies or rites of the Church, ordained only by man's authority; so that all things be done to edifying.

XXXV. Of Homilies.

THE second book of Homilies, the several titles whereof we have joined under this Article, doth contain a godly and wholesome doctrine, and necessary for these times; as doth the former book of Homilies, which were set forth in the time of Edward the Sixth; and therefore we judge them to be read in Churches by the Ministers, diligently and distinctly, that they may be understood of the people.

¶ Of the Names of the Homilies.

1. *Of the right Use of the Church.*
2. *Against Peril of Idolatry.*
3. *Of repairing and keeping clean of Churches.*
4. *Of good Works: First, of Fasting.*
5. *Against Gluttony and Drunkenness.*
6. *Against Excess of Apparel.*
7. *Of Prayer.*
8. *Of the Place and Time of Prayer.*
9. *That Common Prayers and Sacraments ought to be ministered in a known Tongue.*
10. *Of the reverend Estimation of God's Word.*
11. *Of Alms-doing.*
12. *Of the Nativity of Christ.*
13. *Of the Passion of Christ.*
14. *Of the Resurrection of Christ.*
15. *Of the worthy receiving of the Sacrament of the Body and Blood of Christ.*
16. *Of the Gifts of the Holy Ghost.*
17. *For the Rogation-days.*
18. *Of the State of Matrimony.*
19. *Of Repentance.*
20. *Against Idleness.*
21. *Against Rebellion.*

XXXVI. Of

XXXVI. *Of Consecration of Bishops and Ministers.*

THE Book of Consecration of Archbishops and Bishops, and ordering of Priests and Deacons, lately set forth in the time of *Edward* the Sixth, and confirmed at the same time by Authority of Parliament, doth contain all things necessary to such Consecration and Ordering; neither hath it any thing that of itself is superstitious and ungodly. And therefore whosoever are consecrated or ordered according to the rites of that Book, since the second year of the forenamed King *Edward*, unto this time, or hereafter shall be consecrated or ordered according to the same Rites; we decree all such to be rightly, orderly, and lawfully consecrated and ordered.

XXXVII. *Of the Civil Magistrates.*

THE King's Majesty hath the chief power in this Realm of *England*, and other his dominions, unto whom the chief government of all Estates of this realm, whether they be Ecclesiastical or Civil, in all causes doth appertain; and is not, nor ought to be subject to any foreign Jurisdiction.

Where we attribute to the King's Majesty the chief government, by which titles we understand the minds of some slanderous folks to be offended; we give not to our Princes the ministering either of God's Word, or of the Sacraments; the which thing the injunctions also lately set forth by *Elizabeth* our Queen do most plainly testify; but that only prerogative, which we see to have been given always to all godly Princes in holy Scriptures by God himself; that is, that they should rule all estates and degrees committed to their charge by God, whether they be Ecclesiastical or Temporal, and restrain with the civil sword the stubborn and evil doers.

The Bishop of *Rome* hath no jurisdiction in this realm of *England*.

The laws of this realm may punish Christian men with death, for heinous and grievous offences.

It is lawful for Christian men, at the commandment of the Magistrate, to wear weapons, and serve in the wars.

XXXVIII. *Of Christian Men's Goods, which are not common.*

THE Riches and Goods of Christians are not common, as touching the right, title, and possession of the same, as certain Anabaptists do falsely boast. Notwithstanding every man ought, of such things as he possesseth, liberally to give alms to the poor, according to his ability.

XXXIX. *Of*

XXXIX. *Of a Christian Man's Oath.*

AS we confess, that vain and rash swearing is forbidden Christian men by our Lord Jesus Christ, and James his Apostle; so we judge, that Christian Religion doth not prohibit, but that a man may swear, when the Magistrate requireth, in a cause of faith and charity; so it be done according to the Prophet's teaching, in Justice, Judgement, and Truth.

THE RATIFICATION.

THIS Book of Articles, before rehearsed, is again approved, and allowed to be holden and executed within the Realm, by the assent and consent of our Sovereign Lady **ELIZABETH**, by the Grace of God, of *England, France, and Ireland*, Queen, Defender of the Faith, &c. Which Articles were deliberately read, and confirmed again by the subscription of the Hands of the Archbishop and Bishops of the upper house, and by the subscription of the whole Clergy of the nether house, in their Convocation, in the Year of our Lord 1571.

The

The T A B L E.

- 1 **O**F Faith in the Holy Trinity.
- 2 Of Christ the Son of God.
- 3 Of his going down into Hell.
- 4 Of his Resurrection.
- 5 Of the Holy Ghost.
- 6 Of the Sufficiency of the Scripture.
- 7 Of the Old Testament.
- 8 Of the Three Creeds.
- 9 Of Original or Birth-sin.
- 10 Of Free Will.
- 11 Of Justification.
- 12 Of Good Works.
- 13 Of Works before Justification.
- 14 Of Works of Supererogation.
- 15 Of Christ alone without Sin.
- 16 Of Sin after Baptism.
- 17 Of Predestination and Election.
- 18 Of obtaining Salvation by Christ.
- 19 Of the Church.
- 20 Of the Authority of the Church.
- 21 Of the Authority of General Councils.
- 22 Of Purgatory.
- 23 Of ministering in the Congregation.
- 24 Of speaking in the Congregation.
- 25 Of the Sacraments.
- 26 Of the Unworthiness of Ministers.
- 27 Of Baptism.
- 28 Of the Lord's Supper.
- 29 Of the Wicked, which eat not the Body of Christ.
- 30 Of both Kinds.
- 31 Of Christ's one Oblation.
- 32 Of the Marriage of Priests.
- 33 Of Excommunicate Persons.
- 34 Of the Traditions of the Church.
- 35 Of Homilies.
- 36 Of Consecration of Ministers.
- 37 Of Civil Magistrates.
- 38 Of Christian Men's Goods.
- 39 Of a Christian Man's Oath.
The Ratification.

JAMES

THE TABLE



Y **AMES**, by the Grace of God, King of *Eng-*
land, Scotland, France, and Ireland, Defender
 of the Faith, &c. to all, to whom these Presents
 shall come, greeting. Whereas our Bishops,
 Deans of Our Cathedral Churches, Arch-
 deacons, Chapters, and Colleges, and the
 other Clergy of every Diocese within the Pro-
 vince of *Canterbury*, being summoned and called by virtue
 of Our Writ, directed to the most Reverend Father in God, *A*
John late Archbishop of *Canterbury*, and bearing Date the
 31st Day of *January*, in the First Year of Our Reign of *Eng-*
land, France, and Ireland, and of Scotland the 37th, to have
 appeared before him in Our Cathedral Church of *St*
Paul in *London*, the 20th Day of *March* then next ensuing,
 or elsewhere, as he should have thought it most conve-
 nient, to treat, consent, and conclude upon certain difficult
 and urgent Affairs mentioned in the said Writ; did thereup-
 on, at the Time appointed, and within the Cathedral Church
 of *St. Paul* aforesaid, assemble themselves, and appear in
 Convocation for that Purpose, according to Our said Writ,
 before the Right Reverend Father in God, *Richard* Bishop
 of *London*, duly upon a second Writ of Ours, (dated the 9th
 Day of *March* aforesaid) authorized, appointed, and consti-
 tuted, by reason of the said Archbishop of *Canterbury* his
 death, President of the said Convocation, to execute those
 Things which, by virtue of Our first Writ, did appertain to
 him the said Archbishop to have executed, if he had lived:
 We, for divers urgent and weighty Causes and Considerations
 Us thereunto especially moving, of Our especial Grace, cer-
 tain Knowledge, and meer Motion, did, by virtue of Our
 Prerogative Royal, and supreme Authority in Causes Eccle-
 siastical, give and grant, by Our several Letters Patents, un-
 der our Great Seal of *England*, the one dated the 12th Day of
April last past, and the other the 25th Day of *June* then
 next following, full, free, and lawful Liberty, Licence,
 Power, and Authority, unto the said Bishop of *London*, Pre-
 B sident

sident of the said Convocation, and to the other Bishops, Deans, Archdeacons, Chapters, and Colleges, and the rest of the Clergy before mentioned, of the said Province, that they, from Time to Time, during our first Parliament now prorogued, might confer, treat, debate, consider, consult, and agree of and upon such Canons, Orders, Ordinances, and Constitutions, as they should think necessary, fit, and convenient, for the Honour and Service of Almighty God, the Good and Quiet of the Church, and the better Government thereof, to be from Time to Time observed, performed, fulfilled, and kept, as well by the Archbishops of *Canterbury*, the Bishops, and their Successors, and the rest of the whole Clergy of the said Province of *Canterbury*, in their several Callings, Offices, Functions, Ministries, Degrees, and Administrations; as also by all and every Dean of the Arches, and other Judge of the said Archbishops' Courts, Guardians of Spiritualities, Chancellors, Deans, and Chapters, Archdeacons, Commissaries, Officials, Registers, and all and every other Ecclesiastical Officers, and their inferior Ministers whatsoever, of the same Province of *Canterbury*, in their and every of their distinct Courts, and in the Order and Manner of their and every of their Proceedings; and by all other Persons within this Realm, as far as lawfully, being Members of the Church, it may concern them, as in Our said Letters Patents, amongst other Clauses, more at large doth appear. Forasmuch as the Bishop of *London*, President of the said Convocation, and others the said Bishops, Deans, Archdeacons, Chapters, and Colleges, with the rest of the Clergy, having met together at the Time and Place before mentioned, and then and there, by virtue of Our said Authority granted unto them, treated of, concluded, and agreed upon certain Canons, Orders, Ordinances, and Constitutions, to the End and Purpose by us limited and prescribed unto them; and have thereupon offered and presented the same unto Us, most humbly desiring Us to give Our Royal Assent unto their said Canons, Orders, Ordinances, and Constitutions, according to the Form of a certain Statute, or Act of Parliament, made in that Behalf, in the 25th Year of the Reign of King *Henry* the Eighth, and by Our said Prerogative Royal, and Supreme Authority in Causes Ecclesiastical, to ratify, by Our Letters Patents, under Our Great Seal of *England*, and to confirm the same; the Title and Tenor of them being Word for Word as ensueth:

CONSTITUTIONS and CANONS
*Ecclesiastical, treated upon by the Bishop of
 London, President of the Convocation for the
 Province of Canterbury, and the rest of the
 Bishops and Clergy of the said Province: And
 agreed upon with the King's Majesty's Licence,
 in their Synod begun at London, Anno Dom.
 1603, and in the Year of the Reign of our
 Sovereign Lord JAMES, by the Grace of
 God, King of England, France, and Ireland,
 the First, and of Scotland the Thirty-seventh.*

**And now published for the due Observation
 of them by His Majesty's Authority, under
 the Great Seal of ENGLAND.**

Of the Church of *England*.

**I. The King's Supremacy over the Church of England, in Causes
 Ecclesiastical, to be maintained.**

AS our Duty to the King's most Excellent Majesty re-
 quireth, we first decree and ordain, That the Arch-
 bishop of *Canterbury*, (from Time to Time,) all Bi-
 shops of this Province, all Deans, Archdeacons, Parsons,
 Vicars, and all other Ecclesiastical Persons, shall faithfully
 keep and observe, and (as much as in them lieth) shall cause
 to be observed and kept of others, all and singular Laws and
 Statutes, made for restoring to the Crown of this Kingdom
 the ancient Jurisdiction over the State Ecclesiastical, and abo-
 lishing of all foreign Power repugnant to the same. Fur-
 thermore, all Ecclesiastical Persons, having Cure of Souls, and
 all other Preachers, and Readers of Divinity Lectures, shall,
 to the uttermost of their Wit, Knowledge, and Learning,
 purely and sincerely, without any Colour or Disimulation,
 teach, manifest, open, and declare, Four Times every Year
 at the least, in their Sermons, and other Collations and Lec-
 tures,

20 Constitutions and Canons Ecclesiastical.

tures, That all usurped and foreign Power (forasmuch as the same hath no Establishment nor Ground by the Law of God) is for most just Causes taken away and abolished: And that therefore no Manner of Obedience, or Subjection, within His Majesty's Realms and Dominions, is due unto any such foreign Power; but that the King's Power within His Realms of England, Scotland, and Ireland, and all other His Dominions and Countries, is the highest Power under God; to whom all Men, as well Inhabitants, as born within the same, do by God's Laws owe most Loyalty and Obedience, afore and above all other Powers and Potentates in the Earth.

II. *Impugners of the King's Supremacy censured.*

WHosoever shall hereafter affirm, That the King's Majesty hath not the same Authority in Causes Ecclesiastical, that the godly Kings had amongst the Jews, and Christian Emperors of the primitive Church; or impeach any Part of His regal Supremacy in the said Causes restored to the Crown, and by the Laws of this Realm therein established; let him be excommunicated *ipso facto*, and not restored, but only by the Archbishop, after his Repentance, and publick Revocation of those his wicked Errors.

III. *The Church of England, a true and apostolical Church.*

WHosoever shall hereafter affirm, That the Church of England, by Law established under the King's Majesty's, is not a true and an apostolical Church, teaching and maintaining the Doctrine of the Apostles; let him be excommunicated *ipso facto*, and not restored, but only by the Archbishop, after his Repentance, and publick Revocation of this his wicked Error.

IV. *Impugners of the publick Worship of God, established in the Church of England, censured.*

WHosoever shall hereafter affirm, That the Form of God's Worship in the Church of England, established by Law, and contained in the Book of Common Prayer, and Administration of Sacraments, is a corrupt, superstitious, or unlawful Worship of God, or containeth any Thing in it that is repugnant to the Scriptures; let him be excommunicated *ipso facto*, and not restored, but by the Bishop of the Place, or Archbishop, after his Repentance, and publick Revocation of such his wicked Errors.

V. *Impugners*

Constitutions and Canons Ecclesiastical. 21

V. *Impugners of the Articles of Religion, established in the Church of England, censured.*

WHosoever shall hereafter affirm, That any of the Nine and thirty Articles agreed upon by the Archbishops and Bishops of both Provinces, and the whole Clergy, in the Convocation holden at *London*, in the Year of our Lord God One thousand five hundred sixty-two, for avoiding Diversities of Opinions, and for the establishing of Consent touching true Religion, are in any Part superstitious or erroneous, or such as he may not with a good Conscience subscribe unto; let him be excommunicated *ipso facto*, and not restored, but only by the Archbishop, after his Repentance, and publick Revocation of such his wicked Errors:

VI. *Impugners of the Rites and Ceremonies, established in the Church of England, censured.*

WHosoever shall hereafter affirm, That the Rites and Ceremonies of the Church of *England* by Law established, are wicked, antichristian, or superstitious, or such as being commanded by lawful Authority, Men who are zealously and godly affected, may not with any good Conscience approve them, use them, or, as Occasion requireth, subscribe unto them; let him be excommunicated *ipso facto*, and not restored, until he repent, and publicly revoke such his wicked Errors.

VII. *Impugners of the Government of the Church of England by Archbishops, Bishops, &c. censured.*

WHosoever shall hereafter affirm, That the Government of the Church of *England*, under His Majesty, by Archbishops, Bishops, Deans, Archdeacons, and the rest that bear Office in the same, is antichristian, and repugnant to the Word of God; let him be excommunicated *ipso facto*, and so continue, until he repent, and publicly revoke such his wicked Errors.

VIII. *Impugners of the Form of consecrating and ordering Archbishops, Bishops, &c. in the Church of England, censured.*

WHosoever shall hereafter affirm or teach, That the Form and Manner of making and consecrating Bishops, Priests, and Deacons, containeth any Thing in it that is repugnant to the Word of God; or that they who are made Bishops, Priests, or Deacons, in that Form, are not lawfully made, nor ought to be accounted, either by themselves or others, to be truly either Bishops, Priests, or Deacons, until they have some other Calling to those Divine Offices; let him be excommunicated *ipso facto*, not to be restored, until he repent, and publicly revoke such his wicked Errors.

22. Constitutions and Canons Ecclesiastical.

IX. *Authors of Schism, in the Church of England, censured.*

WHosoever shall hereafter separate themselves from the Communion of Saints, as it is approved by the Apostles' Rules in the Church of *England*, and combine themselves together in a new Brotherhood, accounting the Christians, who are conformable to the Doctrine, Government, Rites, and Ceremonies of the Church of *England*, to be profane and unmeet for them to join with in Christian Profession; let them be excommunicated *ipso facto*, and not restored, but by the Archbishop, after their Repentance, and publick Revocation of such their wicked Errors.

X. *Maintainers of Schismatics, in the Church of England, censured.*

WHosoever shall hereafter affirm, That such Ministers, as refuse to subscribe to the Form and Manner of God's Worship in the Church of *England*, prescribed in the Communion Book, and their Adherents, may truly take unto them the Name of another Church, not established by Law, and dare presume to publish it, That this their pretended Church hath of long Time groaned under the Burden of certain Grievances imposed upon it, and upon the Members thereof before mentioned, by the Church of *England*, and the Orders and Constitutions therein by Law established; let them be excommunicated, and not restored, until they repent, and publickly revoke such their wicked Errors.

XI. *Maintainers of Conventicles censured.*

WHosoever shall hereafter affirm or maintain, That there are within this Realm other Meetings, Assemblies, or Congregations, of the King's born Subjects, than such as by the Laws of this Land are held and allowed, which may rightly challenge to themselves the Name of true and lawful Churches; let him be excommunicated, and not restored, but by the Archbishop, after his Repentance, and publick Revocation of such his wicked Errors.

XII. *Maintainers of Constitutions made in Conventicles, censured.*

WHosoever shall hereafter affirm, That it is lawful for any Sort of Ministers, and Lay Persons, or of either of them, to join together, and make Rules, Orders, or Constitutions, in Causes Ecclesiastical, without the King's Authority, and shall submit themselves to be ruled and governed by them; let them be excommunicated *ipso facto*, and not be restored, until they repent, and publickly revoke those their wicked and Anabaptistical Errors.

Of Divine Service, and Administration of the Sacraments.

XIII. *Due Celebration of Sundays and Holydays.*

ALL Manner of Persons within the Church of *England* shall from henceforth celebrate and keep the Lord's Day, commonly called *Sunday*, and other Holydays, according to God's holy Will and Pleasure, and the Orders of the Church of *England* prescribed in that Behalf; that is, in hearing the Word of God read and taught; in private and publick Prayers; in acknowledging their Offences to God, and Amendment of the same; in reconciling themselves charitably to their Neighbours, where Displeasure hath been; in often times receiving the Communion of the Body and Blood of Christ; in visiting of the Poor, and Sick; using all godly and sober Conversation.

XIV. *The prescript Form of Divine Service to be used on Sundays and Holydays.*

THE Common Prayer shall be said or sung distinctly and reverently upon such Days as are appointed to be kept holy by the Book of Common Prayer, and their Eyes, and at convenient and usual Times of those Days, and in such Place of every Church, as the Bishop of the Diocese, or Ecclesiastical Ordinary of the Place, shall think meet, for the Largeness or Straitness of the same, so as the People may be most edified. All Ministers likewise shall observe the Orders, Rites, and Ceremonies, prescribed in the Book of Common Prayer, as well in reading the holy Scriptures, and saying of Prayers, as in Administration of the Sacraments, without either diminishing in regard of preaching, or in any other Respect, or adding any Thing in the Matter or Form thereof.

XV. *The Litany to be read on Wednesdays and Fridays.*

THE Litany shall be said or sung when, and as it is set down in the Book of Common Prayer, by the Parsons, Vicars, Ministers, or Curates, in all Cathedral, Collegiate, Parish Churches, and Chapels, in some convenient Place, according to the Discretion of the Bishop of the Diocese, or Ecclesiastical Ordinary of the Place. And that we may speak more particularly, upon *Wednesdays* and *Fridays* weekly, though they be not Holydays, the Minister, at the accustomed Hours of Service, shall resort to the Church and Chapel, and warning being given to the People by tolling of a Bell, shall say the Litany prescribed in the Book of Common Prayer: Whereunto

+ See Act passed in the 1st & 2nd of Elizabeth. 28th of Charles the 2^d. & 21st of George the 3^d.

24 Constitutions and Canons Ecclesiastical.

we with every Householder dwelling within Half a Mile of the Church, to come or send one at the least of his Household, fit to join with the Minister in Prayers.

XVI. *Colleges to use the prescript Form of Divine Service.*

IN the whole Divine Service, and Administration of the Holy Communion, in all Colleges and Halls in both Universities, the Order, Form, and Ceremonies, shall be duly observed, as they are set down and prescribed in the Book of Common Prayer, without any Omission or Alteration.

XVII. *Students in Colleges to wear Surplices in Time of Divine Service.*

ALL Masters and Fellows of Colleges or Halls, and all the Scholars and Students in either of the Universities, shall, in their Churches and Chapels, upon all Sundays, Holydays, and their Eves, at the Time of Divine Service, wear Surplices according to the Order of the Church of England: And such as are Graduates, shall agreeably wear with their Surplices such Hoods, as do severally appertain unto their Degrees.

XVIII. *A Reverence and Attention to be used within the Church in Time of Divine Service.*

IN the Time of Divine Service, and of every Part thereof, all due Reverence is to be used; for it is according to the Apostle's Rule, *Let all Things be done decently, and according to Order*: Answerably to which Decency and Order we judge these our Directions following: No Man shall cover his Head in the Church or Chapel in the Time of Divine Service, except he have some Infirmary; in which Case, let him wear a Night-cap or Coif. All Manner of Persons then present shall reverently kneel upon their Knees when the general Confession, Litany, and other Prayers, are read; and shall stand up at the saying of the Belief, according to the Rules in that Behalf prescribed in the Book of Common Prayer; and likewise when in Time of Divine Service the Lord Jesus shall be mentioned, due and lowly Reverence shall be done by all Persons present, as it hath been accustomed; testifying by these outward Ceremonies and Gestures, their inward Humility, Christian Resolution, and due Acknowledgment, that the Lord Jesus Christ, the true eternal Son of God, is the only Saviour of the World, in whom alone all the Mercies, Graces, and Promises of God to Mankind, for this Life, and the Life to come, are fully and wholly comprized. None, either Man, Woman, or Child, of what Calling soever, shall be otherwise at such Times busied in the Church,

Constitutions and Canons Ecclesiastical. 25

Church, than in quiet Attendance to hear, mark, and understand that which is read, preached, or ministered; saying in their due Places audibly with the Minister, the Confession, the Lord's Prayer, and the Creed; and making such other Answers to the publick Prayers, as are appointed in the Book of Common Prayer: Neither shall they disturb the Service or Sermon, by waiking or talking, or any other Way, nor depart out of the Church during the Time of Service, or Sermon, without some urgent or reasonable Cause.

XLIX. Loiterers not to be suffered near the Church in Time of Divine Service.

THE Churchwardens of Questmen, and their Assistants, shall not suffer any idle Persons to abide, either in the Church-yard or Church-porch during the Time of Divine Service or Preaching; but shall cause them either to come in, or to depart.

XX. Bread and Wine to be provided against every Communion.

THE Churchwardens of every Parish, against the Time of every Communion, shall, at the Charge of the Parish, with the Advice and Direction of the Minister, provide a sufficient Quantity of fine white Bread, and of good and wholesome Wine, for the Number of Communicants that shall from Time to Time receive there: Which Wine we require to be brought to the Communion Table in a clean and sweet standing Pot, or Stoop of Pewter, if not of purer Metal.

XXI. The Communion to be Thrice a Year received.

IN every Parish Church and Chapel, where Sacraments are to be administered within this Realm, the Holy Communion shall be ministered by the Parson, Vicar, or Minister, so often, and at such Times, as every Parishoner may communicate at least Thrice in the Year, (whereof the Feast of *Easter* to be One,) according as they are appointed by the Book of Common Prayer. Provided, That every Minister, as oft as he administereth the Communion, shall first receive the Sacrament himself. Furthermore, no Bread or Wine newly brought shall be used, but first the Words of Institution shall be rehearsed when the said Bread and Wine be present upon the Communion Table. Likewise the Minister shall deliver both the Bread and Wine to every Communicant severally.

XXII. Warning to be given beforehand for the Communion.

WHereas every Lay-person is bound to receive the Holy Communion Thrice every Year, and many notwithstanding do not receive that Sacrament Once in a Year; we do require every Minister to give Warning to his Parishoners publickly in the Church at Morning Prayer, the *Sunday* before

26 Constitutions and Canons Ecclesiastical.

fore every Time of his administering that holy Sacrament, for their better Preparation of themselves: Which said Warning we enjoin the said Parishioners to accept and obey, under the Penalty and Danger of the Law.

XXIII. *Students in Colleges to receive the Communion Four Times a Year.*

IN all Colleges and Halls within both the Universities, the Masters and Fellows, such especially as have any Pupils, shall be careful that all their said Pupils, and the rest that remain amongst them, be well brought up, and thoroughly instructed in Points of Religion, and that they do diligently frequent publick Service, and Sermons, and receive the holy Communion; which we ordain to be administered in all such Colleges and Halls the First or Second Sunday of every Month, requiring all the said Masters, Fellows, and Scholars, and all the rest of the Students, Officers, and all other the Servants there, so to be ordered, that every one of them shall communicate Four Times in the Year at the least, kneeling reverently and decently upon their Knees, according to the Order of the Communion Book prescribed in that Behalf.

XXIV. *Copes to be wore in Cathedral Churches by those that administer the Communion.*

IN all Cathedral and Collegiate Churches, the holy Communion shall be administered upon principal Feast-days, sometimes by the Bishop, if he be present, and sometimes by the Dean, and at sometimes by a Canon, or Prebendary; the principal Minister using a decent Cope, and being assisted with the Gospeller and Epistler agreeably, according to the Advertisements published Anno 7 Elizabethæ: The said Communion to be administered at such Times, and with such Limitation, as is specified in the Book of Common Prayer. Provided, That no such Limitation by any Construction shall be allowed of, but that all Deans, Wardens, Masters, or Heads of Cathedral and Collegiate Churches, Prebendaries, Canons, Vicars, Petty-canons, Singing-men, and all others of the Foundation, shall receive the Communion Four Times yearly at the least.

XXV. *Surplices and Hoods to be worn in Cathedral Churches when there is no Communion.*

IN the Time of Divine Service and Prayers, in all Cathedral and Collegiate Churches, when there is no Communion, it shall be sufficient to wear Surplices: Saving that all Deans, Masters, and Heads of Collegiate Churches, Canons, and Prebendaries, being Graduates, shall daily, at the Times both of Prayer and Preaching, wear with their Surplices such Hoods as are agreeable to their Degrees.

XXVI. *Notorious*

Constitutions and Canons Ecclesiastical. 27

XXVI. *Notorious Offenders not to be admitted to the Communion.*

NO Minister shall in any wise admit to the receiving of the Holy Communion, any of his Cure or Flock, which be openly known to live in Sin notorious without Repentance; nor any who have maliciously and openly contended with their Neighbours, until they shall be reconciled; nor any Churchwardens or Sidemen, who, having taken their Oaths to present to their Ordinaries all such publick Offences, as they are particularly charged to inquire of in their several Parishes, shall (notwithstanding their said Oaths, and that their faithful discharging of them is the chief Means, whereby publick Sins and Offences may be reformed and punished) wittingly and willingly, desperately and irreligiously incur the horrible Crime of Perjury, either in neglecting or in refusing to present such of the said enormities and publick Offences, as they know themselves to be committed in their said Parishes, or are notoriously offensive to the Congregation there; although they be urged by some of their Neighbours, or by their Minister, or by their Ordinary himself, to discharge their Consciences by presenting of them, and not to incur so desperately the said horrible Sin of Perjury.

XXVII. *Schismatics not to be admitted to the Communion.*

NO Minister, when he celebrateth the Communion, shall wittingly administer the same to any but to such as kneel, under Pain of Suspension, nor under the like Pain to any that refuse to be present at publick Prayers, according to the Orders of the Church of *England*; nor to any that are common and notorious Depravers of the Book of Common Prayer, and Administration of the Sacraments, and of the Orders, Rites, and Ceremonies, therein prescribed, or of any Thing that is contained in any of the Articles agreed upon in the Convocation, One thousand five hundred sixty and two, or of any Thing contained in the Book of Ordering Priests and Bishops; or to any that have spoken against and depraved His Majesty's Sovereign Authority in Causes Ecclesiastical; except every such Person shall first acknowledge to the Minister, before the Churchwardens, his Repentance for the same, and promise by Word (if he cannot write) that he will do so no more; and except (if he can write) he shall first do the same under his Hand-writing, to be delivered to the Minister, and by him sent to the Bishop of the Diocese, or Ordinary of the Place. Provided, That every Minister so repelling any, (as is specified either in this or in the next precedent Constitution) shall, upon Complaint, or being required

28 Constitutions and Canons Ecclesiastical.

quired by the Ordinary, signify the Cause thereof unto him, and therein obey his Order and Direction.

XXVIII. *Strangers not to be admitted to the Communion.*

THE Churchwardens or Questmen, and their Assistants, shall mark as well as the Minister, whether all and every of the Parishioners come so often every Year to the Holy Communion, as the Laws and our Constitutions do require; and whether any Strangers come often and commonly from other Parishes to their Church; and shall shew the Minister of them, lest perhaps they be admitted to the Lord's Table amongst others, which they shall forbid; and remit such home to their own Parish-churches and Ministers, there to receive the Communion with the rest of their own Neighbours.

XXIX. *Parents Sponsors not Persons*
~~shall not be admitted in Baptism, and~~
Communicants.

NO Person shall be urged to be present, nor be admitted to answer as Godfather for his own Child: Nor any Godfather or Godmother shall be suffered to make any other Answer or Speech, than by the Book of Common Prayer is prescribed in that Behalf: Neither shall any Person be admitted Godfather or Godmother to any Child at Christening or Confirmation, before the said Person so undertaking hath received the Holy Communion.

XXX. *The lawful Use of the Cross in Baptism explained.*

WE are sorry that His Majesty's most princely Care and Pains taken in the Conference at Hampton Court, amongst many other Points, touching this one of the Cross in Baptism, hath taken no better Effect with many, but that still the Use of it in Baptism is so greatly stuck at and impugned: For the further Declaration therefore of the true Use of this Ceremony, and for the removing of all such Scruple, as might any Ways trouble the Consciences of them who are indeed rightly religious, following the Royal Steps of our most worthy King, because he therein followeth the Rules of the Scriptures, and the Practice of the primitive Church; we do commend to all the true Members of the Church of England these our Directions and Observations ensuing:

First, It is to be observed, That although the Jews and Ethnicks derided both the Apostles, and the rest of the Christians, for preaching and believing in him who was crucified upon the Cross; yet all, both Apostles and Christians, were so far from being discouraged from their Profession by the Ignominy of the Cross, as they rather rejoiced and triumphed in it. Yea, the Holy Ghost, by the Mouths of the Apostles, did honour the Name of the Cross, (being hateful

Constitutions and Canons Ecclesiastical. 29

hateful among the *Jews*) so far, that under it he comprehended not only Christ crucified, but the Force, Effects, and Merits of his Death and Passion, with all the Comforts, Fruits, and Promises, which we receive or expect thereby.

Secondly, The Honour and Dignity of the Name of the Cross begat a reverend Estimation even in the Apostles' Times, (for ought that is known to the contrary,) of the Sign of the Cross, which the Christians shortly after used in all their Actions; thereby making their outward Shew and Profession, even to the Astonishment of the *Jews*, that they were not ashamed to acknowledge him for their Lord and Saviour, who died for them upon the Cross. And this Sign they did not only use themselves with a kind of Glory, when they met with any *Jews*, but signed therewith their Children when they were christened, to dedicate them by that Badge to his Service, whose Benefits bestowed upon them in Baptism the Name of the Cross did represent. And this Use of the Sign of the Cross in Baptism was held in the primitive Church, as well by the *Greeks* as the *Latins*, with one Consent and great Applause. At what Time, if any had opposed themselves against it, they would certainly have been censured as Enemies of the Name of the Cross, and consequently of Christ's Merits, the Sign whereof they could no better endure. This continual and general Use of the Sign of the Cross is evident by many Testimonies of the ancient Fathers.

Thirdly, It must be confessed, That, in Process of Time, the Sign of the Cross was greatly abused in the Church of *Rome*, especially after that Corruption of Popery had once possessed it. But the Abuse of a Thing doth not take away the lawful Use of it. Nay, so far was it from the Purpose of the Church of *England* to forsake and reject the Churches of *Italy*, *France*, *Spain*, *Germany*, or any such like Churches, in all Things which they held and practised, that, as the Apology of the Church of *England* confesseth, it doth, with Reverence, retain those Ceremonies, which do neither endamage the Church of God, nor offend the Minds of sober Men; and only departed from them in those particular Points, wherein they were fallen both from themselves in their ancient Integrity, and from the apostolical Churches which were their first founders. In which Respect, amongst some other very ancient Ceremonies, the Sign of the Cross in Baptism hath been retained in this Church, both by the Judgement and Practice of those reverend Fathers and great Divines in the Days of King *EDWARD* the Sixth, of whom some constantly suffered for the Profession of the Truth; and others being exiled in the Time of Queen *MARY*, did
after

30 Constitutions and Canons Ecclesiastical.

after their Return, in the Beginning of the Reign of our late dread Sovereign, continually defend and use the same. This Resolution and Practice of our Church hath been allowed and approved by the Censure upon the Communion Book in King EDWARD the Sixth his Days, and by the Harmony of Confessions of later Years; because indeed the Use of this Sign in Baptism was ever accompanied here with such sufficient Cautions and Exceptions against all Popish Superstition and Error, as in the like Cases are either fit, or convenient.

First, The Church of *England*, since the abolishing of Popery, hath ever held and taught, and so doth hold and teach still, the Sign of the Cross used in Baptism is no Part of the Substance of that Sacrament: For when the Minister, dipping the Infant in Water, or laying Water on the Face of it, (as the Manner also is) hath pronounced these Words, *I baptize thee, In the Name of the Father, and of the Son, and of the Holy Ghost*, the Infant is fully and perfectly baptized. So as the Sign of the Cross being afterwards used, doth neither add any Thing to the Virtue and Perfection of Baptism, nor being omitted, doth detract any Thing from the Effect and Substance of it.

Secondly, It is apparent in the Communion Book, that the Infant baptized is, by virtue of Baptism, before it be signed with the Sign of the Cross, received into the Congregation of Christ's Flock, as a perfect Member thereof, and not by any Power ascribed unto the Sign of the Cross. So that for the very Remembrance of the Cross, which is very Precious to all them that rightly believe in Jesu Christ, and in the other Respects mentioned, the Church of *England* hath retained still the Sign of it in Baptism; following therein the primitive and apostolical Churches, and accounting it a lawful outward Ceremony, and honourable Badge, whereby the Infant is dedicated to the Service of him that died upon the Cross, as by the Words used in the Book of Common Prayer it may appear.

Lastly, The Use of the Sign of the Cross in Baptism, being thus purged from all Popish Superstition and Error, and reduced in the Church of *England* to the primary Institution of it, upon those true Rules of Doctrine concerning Things indifferent, which are consonant to the Word of God, and the Judgements of all the ancient Fathers, we hold it the Part of every private Man, both Minister and other, reverently to retain the true Use of it prescribed by publick Authority; considering that Things of themselves indifferent do in some Sort alter their Natures, when they are either commanded or forbidden by a lawful Magistrate; and may
not

31 **Constitutions and Canons Ecclesiastical.**
not be omitted at every Man's Pleasure contrary to the Law when they be commanded, or used when they are prohibited.

Ministers, their Ordination, Function, and Charge.

XXXI. *Four solemn Times appointed for the making of Ministers.*

FOrasmuch as the ancient Fathers of the Church, led by the Example of the Apostles, appointed Prayers and Fasts to be used at the solemn Ordering of Ministers; and to that Purpose allotted certain Times, in which only Sacred Orders might be given or conferred: We following their holy and religious Example, do constitute and decree, That no Deacons or Ministers be made and ordained, but only upon the *Sundays* immediately following *Jejunia quatuor temporum*, commonly called *Ember-weeks*, appointed in ancient Time for Prayer and Fasting, (purpose-ly for this Cause at their first Institution,) and so continued at this Day in the Church of *England*: And that this be done in the Cathedral or Parish Church where the Bishop resideth, and in the Time of Divine Service, in the Presence not only of the Archdeacon, but of the Dean and two Prebendaries at the least, or (if they shall happen by any lawful Cause to be let or hindered) in the Presence of four other grave Persons, being Masters of Arts at the least, and allowed for publick Preachers.

XXXII. *None to be made Deacon and Minister both in one Day.*

THE Office of Deacon being a step or Degree to the Ministry, according to the Judgement of the ancient Fathers, and the Practice of the primitive Church; we do ordain and appoint, That hereafter no Bishop shall make any Person, of what Qualities or Gifts soever, a Deacon and a Minister both together upon one Day; but that the Order in that Behalf prescribed in the Book of making and consecrating Bishops, Priests, and Deacons, be strictly observed. Not that always every Deacon should be kept from the Ministry for a whole Year, when the Bishop shall find good Cause to the contrary; but that there being now four Times appointed in every Year for the Ordination of Deacons and Ministers, there may ever be some Time of Trial of their Behaviour in the Office of Deacon, before they be admitted to the Order of Priesthood.

XXXIII. *The*

32 Constitutions and Canons Ecclesiastical.

XXXIII. *The Titles of such as are to be made Ministers.*

IT hath been long since provided, by many Decrees of the ancient Fathers, that none should be admitted either Deacon or Priest, who had not first some certain Place where he might use his Function. According to which Examples we do ordain, That henceforth no Person shall be admitted into sacred Orders, except he shall at that Time exhibit to the Bishop, of whom he desireth Imposition of Hands, a Presentation of himself to some Ecclesiastical Preferment then void in that Diocese; or shall bring to the said Bishop a true and undoubted Certificate, that either he is provided of some Church within the said Diocese, where he may attend the Cure of Souls, or of some Minister's Place vacant, either in the Cathedral Church of that Diocese, or in some other Collegiate Church therein also situate, where he may execute his Ministry; or that he is a Fellow, or in Right as a Fellow, or to be a Conductor or Chaplain in some College in Cambridge or Oxford; or except he be a Master of Arts of five Years standing, that liveth of his own Charge in either of the Universities; or except by the Bishop himself, that doth ordain him Minister, he be shortly after to be admitted either to some Benefice or Curateship then void. And if any Bishop shall admit any Person into the Ministry that hath none of these Titles, as is aforesaid, then he shall keep and maintain him with all Things necessary, till he do prefer him to some Ecclesiastical Living. And if the said Bishop shall refuse so to do, he shall be suspended by the Archbishop, being assisted with another Bishop, from giving of Orders for the Space of a Year.

XXXIV. *The Quality of such as are to be made Ministers.*

NO Bishop shall henceforth admit any Person into Sacred Orders, which is not of his own Diocese, except he be either of one of the Universities of this Realm, or except he shall bring Letters dimissory (so termed) from the Bishop of whose Diocese he is; and desiring to be a Deacon, is three and twenty Years old, and to be a Priest, four and twenty Years complete, and hath taken some Degree of School in either of the said Universities; or at the least, except he be able to yield an Account of his Faith in Latin, according to the Articles of Religion approved in the Synod of the Bishops and Clergy of this Realm, One thousand five hundred sixty and two, and to confirm the same by sufficient Testimonies out of the holy Scriptures; and except moreover, he shall then exhibit Letters Testimonial of his good Life and Conversation under

20
44-30
44-Comp

Constitutions and Canons Ecclesiastical. 33

der the Seal of some College of *Cambridge* or *Oxford*, where before he remained, or of Three or Four grave Ministers, together with the Subscription and Testimony of other credible Persons, who have known his Life and Behaviour by the Space of Three Years next before.

XXXV. *The Examination of such as are to be made Ministers.*

THE Bishop, before he admit any Person to holy Orders, shall diligently examine him in the Presence of those Ministers that shall assist him at the Imposition of Hands: And if the said Bishop have any lawful Impediment, he shall cause the said Ministers carefully to examine every such Person so to be ordered. Provided, That they who shall assist the Bishop in examining and laying on of Hands, shall be of his Cathedral Church, if they may conveniently be had, or other sufficient Preachers of the same Diocese, to the Number of Three at the least: And if any Bishop or Suffragan shall admit any to sacred Orders, who is not so qualified and examined, as before we have ordained, the Archbishop of his Province, having Notice thereof, and being assisted therein by one Bishop, shall suspend the said Bishop or Suffragan so offending, from making either Deacons or Priests for the Space of Two Years.

XXXVI. *Subscription required of such as are to be made Ministers.*

NO Person shall hereafter be received into the Ministry, nor either by Institution or Collation admitted to any Ecclesiastical Living, nor suffered to preach, to catechize, or to be a Lecturer or Reader of Divinity in either University, or in any Cathedral or Collegiate Church, City, or Market Town, Parish Church, Chapel, or in any other Place within this Realm, except he be licensed either by the Archbishop, or by the Bishop of the Diocese, where he is to be placed, under their Hands and Seals, or by One of the Two Universities under their Seal likewise; and except he shall first subscribe to these Three Articles following, in such Manner and Sort as we have here appointed.

1. That the King's Majesty, under God, is the only supreme Governor of this Realm, and of all other his Highness' Dominions and Countries, as well in all Spiritual or Ecclesiastical Things or Causes, as Temporal; and that no foreign Prince, Person, Prelate, State, or Potentate, hath or ought to have any Jurisdiction, Power, Superiority, Pre-eminence, or Authority, Ecclesiastical or Spiritual, within His Majesty's said Realms, Dominions, and Countries.

34 Constitutions and Canons Ecclesiastical.

2. That the Book of Common Prayer, and of Ordering of Bishops, Priests, and Deacons, containeth in it nothing contrary to the Word of God, and that it may lawfully be used; and that he himself will use the Form in the said Book prescribed, in publick Prayer, and Administration of the Sacraments, and none other.

3. That he alloweth the Book of Articles of Religion, agreed upon by the Archbishops and Bishops of both Provinces, and the whole Clergy, in the Convocation holden at London, in the Year of our Lord God One thousand five hundred sixty and two; and that he acknowledgeth all and every the Articles therein contained, being in Number Nine and thirty, besides the Ratification, to be agreeable to the Word of God.

To these Three Articles, whosoever will subscribe, he shall, for the avoiding of all Ambiguities, subscribe in this Order and Form of Words, setting down both his Christian and Surname; *viz. I N. N. do willingly and ex animo subscribe to these Three Articles above mentioned, and to all Things that are contained in them.* And if any Bishop shall ordain, admit, or license any, as is aforesaid, except he first have subscribed, in Manner and Form as here we have appointed, he shall be suspended from giving of Orders and Licences to preach for the Space of Twelve Months. But if either of the Universities shall offend therein, we leave them to the Danger of the Law, and His Majesty's Censure.

XXXVII. Subscription before the Diocesan.

NONE licensed, as is aforesaid, to preach, read Lecture, or catechize, coming to reside in any Diocese, shall be permitted there to preach, read Lecture, catechize, or minister the Sacraments, or to execute any other Ecclesiastical Function, by what Authority soever he be thereunto admitted, unless he first consent and subscribe to the Three Articles before mentioned, in the Presence of the Bishop of the Diocese wherein he is to preach, read Lecture, catechize, or administer the Sacraments, as aforesaid.

XXXVIII. Revolters after Subscription, censured.

IF any Minister, after he hath once subscribed to the said Three Articles, shall omit to use the Form of Prayer, or any of the Orders or Ceremonies prescribed in the Communion Book, let him be suspended; and if after a Month he do not reform and submit himself, let him be excommunicated; and then, if he shall not submit himself within the Space of another Month, let him be deposed from the Ministry.

XXXIX. Cautions

Constitutions and Canons Ecclesiastical. 35

XXXIX. *Cautions for Institution of Ministers into Benefices.*

NO Bishop shall institute any to a Benefice, who hath been ordained by any other Bishop, except he first shew unto him his Letters of Orders, and bring him a sufficient Testimony of his former good Life and Behaviour, if the Bishop shall require it: And lastly, shall appear, upon due Examination, to be worthy of his Ministry.

XL. *An Oath against Simony at Institution into Benefices.*

TO avoid the detestable Sin of Simony, because buying and selling of Spiritual and Ecclesiastical Functions, Offices, Promotions, Dignities, and Livings, is execrable before God; therefore the Archbishop, and all and every Bishop or Bishops, or any other Person or Persons, having Authority to admit, institute, collate, install, or to confirm the Election of any Archbishop, Bishop, or other Person or Persons, to any Spiritual or Ecclesiastical Function, Dignity, Promotion, Title, Office, Jurisdiction, Place, or Benefice, with Cure or without Cure, or to any Ecclesiastical Living whatsoever, shall, before every such Admission, Institution, Collation, Installation, or Confirmation of Election, respectively minister to every Person hereafter to be admitted, instituted, collated, installed, or confirmed in or to any Archbishoprick, Bishoprick, or other Spiritual or Ecclesiastical Function, Dignity, Promotion, Title, Office, Jurisdiction, Place, or Benefice, with Cure or without Cure, or in or to any Ecclesiastical Living whatsoever, this Oath, in Manner and Form following, the same to be taken by every one whom it concerneth, in his own Person, and not by a Proctor: *I N. N. do swear, That I have made no Simoniackal Payment, Contract, or Promise, directly or indirectly, by myself, or by any other, to my Knowledge, or with my Consent, to any Person or Persons whatsoever, for or concerning the procuring and obtaining of this Ecclesiastical Dignity, Place, Preferment, Office, or Living, (respectively and particularly naming the same whereunto he is to be admitted, instituted, collated, installed, or confirmed) nor will at any Time hereafter perform or satisfy any such Kind of Payment, Contract, or Promise made by any other without my Knowledge or Consent. So help me God, through Jesus Christ.*

XLI. *Licences for Plurality of Benefices limited, and Residence enjoined.*

NO Licence or Dispensation for the keeping of more Benefices with Cure than One, shall be granted to any, but such only as shall be thought very well worthy for his Learning, and very well able and sufficient to discharge his Duty; that is, who shall have taken the Degree of a Master

36 Constitutions and Canons Ecclesiastical.

of Arts at the least in one of the Universities of this Realm, and be a publick and sufficient Preacher licensed. Provided always, That he be by a good and sufficient Caution bound to make his personal Residence in each his said Benefices for some reasonable Time in every Year: And that the said Benefices be not more than Thirty Miles distant asunder: And lastly, that he have under him in the Benefice, where he doth not reside, a Preacher lawfully allowed, that is able sufficiently to teach and instruct the People.

XLII. *Residence of Deans in their Churches.*

EVERY Dean, Master, or Warden, or Chief Governor of any Cathedral or Collegiate Church, shall be resident in his said Cathedral or Collegiate Church Fourscore and ten Days *conjunctim* or *divisim*, in every Year at the least; and then shall continue there in preaching the Word of God, and keeping good Hospitality, except he shall be otherwise let with weighty and urgent Causes, to be approved by the Bishop of the Diocese, or in any other lawful Sort dispensed with. And when he is present, he, with the rest of the Canons or Prebendaries resident, shall take special Care that the Statutes and laudable Customs of their Church (not being contrary to the Word of God, or Prerogative Royal) the Statutes of this Realm being in Force concerning Ecclesiastical Order, and all other Constitutions now set forth and confirmed by His Majesty's Authority, and such as shall be lawfully enjoined by the Bishop of the Diocese, in his Visitation, according to the Statutes and Customs of the same Church, or the Ecclesiastical Laws of this Realm, be diligently observed; and that the Petty-canon, Vicars-choral, and other Ministers of their Church, be urged to the Study of the holy Scriptures; and every one of them to have the New Testament, not only in *English*, but also in *Latin*.

XLIII. *Deans and Prebendaries to preach during their Residence.*

THE Dean, Master, Warden, or Chief Governor, Prebendaries, and Canons in every Cathedral and Collegiate Church, shall not only preach there in their own Persons, so often as they are bound by Law, Statute, Ordinance, or Custom, but shall likewise preach in other Churches of the same Diocese where they are resident; and especially in those Places, whence they or their Church receive any yearly Rents or Profits. And in case they themselves be sick, or lawfully absent, they shall substitute such licensed Preachers to supply their Turns, as by the Bishop of the Diocese shall be thought meet to preach in Cathedral Churches. And if any otherwise neglect or omit to supply his Course, as is aforesaid, the

Offender

Constitutions and Canons Ecclesiastical. 37

Offender shall be punished by the Bishop, or by him or them to whom the Jurisdiction of that Church appertaineth, according to the Quality of the Offence.

XLIV. *Prebendaries to be resident upon their Benefices.*

NO Prebendaries or Canons in Cathedral or Collegiate Churches, having one or more Benefices with Cure, (and not being Residentiaries in the same Cathedral or Collegiate Churches) shall, under Colour of their said Prebends, absent themselves from their Benefices with Cure, above the Space of one Month in the Year, unless it be for some urgent Cause, and certain Time, to be allowed by the Bishop of the Diocese. And such of the said Canons and Prebendaries, as by the Ordinances of the Cathedral or Collegiate Churches do stand bound to be resident in the same, shall so among themselves Sort and Proportion the Times of the Year, concerning Residency to be kept in the said Churches, as that some of them always shall be personally resident there; and that all those who be, or shall be Residentiaries in any Cathedral or Collegiate Church, shall, after the Days of their Residency appointed by their local Statutes or Customs expired, presently repair to their Benefices, or some one of them, or to some other Charge where the Law requireth their Presence, there to discharge their Duties, according to the Laws in that Case provided. And the Bishop of the Diocese shall see the same to be duly performed and put in Execution.

XLV. *Beneficed Preachers, being resident upon their Livings, to preach every Sunday.*

EVery beneficed Man, allowed to be a Preacher, and residing on his Benefice, having no lawful Impediment, shall in his own Cure, or in some other Church or Chapel, where he may conveniently, near adjoining (where no Preacher is) preach one Sermon every Sunday of the Year; wherein he shall soberly and sincerely divide the Word of Truth, to the Glory of God, and to the best Edification of the People.

XLVI. *Beneficed Men, not Preachers, to procure monthly Sermons.*

EVery beneficed Man, not allowed to be a Preacher, shall procure Sermons to be preached in his Cure once in every Month at the least, by Preachers lawfully licensed, if his Living, in the Judgement of the Ordinary, will be able to bear it. And upon every Sunday, when there shall not be a Sermon preached in his Cure, he or his Curate shall read some one of the Homilies prescribed, or to be prescribed by Authority, to the intents aforesaid.

38 Constitutions and Canons Ecclesiastical.

XLVII. *Absence of beneficed Men to be supplied by Curates that are allowed Preachers.*

EVery beneficed Man, licensed by the Laws of this Realm, upon urgent Occasions of other Service, not to reside upon his Benefice, shall cause his Cure to be supplied by a Curate that is a sufficient and licensed Preacher, if the worth of the Benefice will bear it. But whosoever hath two Benefices, shall maintain a Preacher licensed, in the Benefice where he doth not reside, except he preach himself at both of them usually.

XLVIII. *None to be Curates but allowed by the Bishop.*

NO Curate or Minister shall be permitted to serve in any Place, without Examination and Admission of the Bishop of the Diocese or Ordinary of the Place having Episcopal Jurisdiction, in Writing under his Hand and Seal, having Respect to the Greatness of the Cure, and Meetness of the Party. And the said Curates and Ministers, if they remove from one Diocese to another, shall not be by any Means admitted to serve without Testimony of the Bishop of the Diocese, or Ordinary of the Place as aforesaid, whence they came; in Writing, of their Honesty, Ability, and Conformity to the Ecclesiastical Laws of the Church of *England*. Nor shall any serve more than one Church or Chapel upon one Day, except that Chapel be a Member of the Parish-church, or united thereunto; and unless the said Church or Chapel, where such a Minister shall serve in two Places, be not able, in the Judgement of the Bishop or Ordinary as aforesaid, to maintain a Curate.

XLIX. *Ministers not allowed Preachers, may not expound.*

NO Person whatsoever, not examined and approved by the Bishop of the Diocese, or not licensed, as is aforesaid, for a sufficient or convenient Preacher, shall take upon him to expound in his own Cure, or elsewhere, any Scripture or Matter of Doctrine; but shall only study to read plainly and aptly, (without glossing or adding) the *Homilies* already set forth, or hereafter to be published by lawful Authority, for the Confirmation of the true Faith, and for the good Instruction and Edification of the People.

L. *Strangers not admitted to preach without shewing their Licence.*

Neither the Minister, Churchwardens, nor any other Officers of the Church, shall suffer any Man to preach within their Churches or Chapels, but such as by shewing their Licence to preach, shall appear unto them to be sufficiently authorised thereunto, as is aforesaid.

LI. *Strangers*

Constitutions and Canons Ecclesiastical. 39

LI. *Strangers not admitted to preach in Cathedral Churches without sufficient Authority.*

THE Deans, Residents, and Residentiaries of any Cathedral or Collegiate Church, shall suffer no Stranger to preach unto the People in their Churches, except they be allowed by the Archbishop of the Province, or by the Bishop of the same Diocese, or by either of the Universities. And if any in his Sermon shall publish any Doctrine, either strange, or disagreeing from the Word of God, or from any of the Articles of Religion agreed upon in the Convocation-house, *Anno 1562*, or from the Book of Common Prayers; the Dean, or the Residents, shall, by their Letters subscribed with some of their Hands that heard him, so soon as may be, give Notice of the same to the Bishop of the Diocese, that he may determine the Matter, and take such Order therein, as he shall think convenient.

LII. *The Names of strange Preachers to be noted in a Book.*

THAT the Bishop may understand (if Occasion so require) what Sermons are made in every Church of his Diocese, and who presume to preach without Licence, the Churchwardens and Sidemen shall see that the Names of all Preachers which come to their Church from any other Place be noted in a Book, which they shall have ready for that Purpose; wherein every Preacher shall subscribe his Name, the Day when he preached, and the Name of the Bishop of whom he had Licence to preach.

LIII. *No publick Opposition between Preachers.*

IF any Preacher shall in the Pulpit particularly, or namely of Purpose, impugn or confute any Doctrine delivered by any other Preacher in the same Church, or in any Church near adjoining, before he hath acquainted the Bishop of the Diocese therewith, and received Order from him what to do in that Case, because upon such publick dissenting and contradicting there may grow much Offence and Disquietness unto the People; the Churchwardens, or Party grieved, shall forthwith signify the same to the said Bishop, and not suffer the said Preacher any more to occupy that Place which he hath once abused, except he faithfully promise to forbear all such Matter of Contention in the Church, until the Bishop hath taken further Order therein; who shall with all convenient Speed so proceed therein, that publick Satisfaction may be made in the Congregation where the Offence was given. Provided, That if either of the Parties offending do appeal, he shall not be suffered to preach *pendente lite*.

40 Constitutions and Canons Ecclesiastical.

LIV. *The Licences of Preachers refusing Conformity, to be void.*

IF any Man licensed heretofore to preach, by any Archbishop, Bishop, or by either of the Universities, shall at any Time from henceforth refuse to conform himself to the Laws, Ordinances, and Rites Ecclesiastical, established in the Church of *England*, he shall be admonished by the Bishop of the Diocese, or Ordinary of the Place, to submit himself to the Use and due Exercise of the same. And if, after such Admonition, he do not conform himself within the Space of one Month, we determine and decree, That the Licence of every such Preacher shall thereupon be utterly void and of none Effect.

LV. *The Form of a Prayer to be used by all Preachers before their Sermons.*

BEfore all Sermons, Lectures, and Homilies, the Preachers and Ministers shall move the People to join with them in Prayer, in this Form, or to this Effect, as briefly as convenient they may: Ye shall pray for Christ's holy Catholick Church, that is, for the whole Congregation of Christian People dispersed throughout the whole World, and especially for the Churches of *England*, *Scotland*, and *Ireland*. And herein I require you most especially to pray for the King's most Excellent Majesty, our Sovereign Lord ~~James~~ ^{George}, King of ~~Great Brittain~~ ^{Great Brittain}, and *Ireland*, Defender of the Faith, and Supreme Governor in these his Realms, and all other his Dominions and Countries, over all Persons, in all Causes, as well Ecclesiastical as Temporal. Ye shall also pray for our Gracious Queen *Anne*, the Noble Prince *Henry*, and the rest of the King's and Queen's Royal Issue. Ye shall also pray for the Ministers of God's holy Word and Sacraments, as well Archbishops and Bishops, as other Pastors and Curates. Ye shall also pray for the King's most Honourable Council, and for all the Nobility and Magistrates of this Realm; that all and every of these, in their several Callings, may serve truly and painfully to the Glory of God, and the edifying and well governing of his People, remembering the Account that they must make. Also ye shall pray for the whole Commons of this Realm, that they may live in the true Faith and Fear of God, in humble Obedience to the King, and brotherly Charity one to another. Finally, let us praise God for all those which are departed out of this Life in the Faith of Christ, and pray unto God that we may have Grace to direct our Lives after their good Example; that this Life ended, we may be made partakers with them of the glorious Resurrection in the Life everlasting; always concluding with the Lord's Prayer.

LVI. *Preachers*

Constitutions and Canons Ecclesiastical. 41

LVI. *Preachers and Lecturers to read Divine Service, and administer the Sacraments twice a Year at the least.*

EVERY Minister, being possessed of a Benefice, that hath Cure and Charge of Souls, although he chiefly attend to preaching, and hath a Curate under him, to execute the other Duties which are to be performed for him in the Church, and likewise every other stipendiary Preacher that readeth any Lecture, or catechiseth, or preacheth in any Church or Chapel, shall twice at the least every Year read himself the Divine Service, upon two several *Sundays* publickly, and at the usual Times, both in the Forenoon and Afternoon, in the Church which he so possesseth, or where he readeth, catechizeth, or preacheth, as is aforesaid; and shall likewise as often in every Year administer the Sacraments of Baptism, if there be any to be baptized, and of the Lord's Supper, in such Manner and Form, and with the Observation of all such Rites and Ceremonies, as are prescribed by the Book of Common Prayer in that Behalf; which if he do not accordingly perform, then shall he that is possessed of a Benefice, as before, be suspended; and he that is but a Reader, Preacher, or Catechizer, be removed from his Place by the Bishop of the Diocese, until he or they shall submit themselves to perform all the said Duties, in such Manner and Sort as before is prescribed.

LVII. *The Sacraments not to be refused at the Hands of unpreaching Ministers.*

WHEREAS divers Persons, seduced by false Teachers, do refuse to have their Children baptized by a Minister that is no Preacher, and to receive the Holy Communion at his Hands in the same Respect, as though the Virtue of those Sacraments did depend upon his Ability to preach; forasmuch as the Doctrine both of Baptism and of the Lords Supper is so sufficiently set down in the Book of Common Prayer to be used at the Administration of the said Sacraments, as nothing can be added unto it that is material and necessary; we do require and charge every such Person, seduced as aforesaid, to reform that their Wilfulness, and to submit himself to the Order of the Church in that Behalf, both the said Sacraments being equally effectual, whether they be ministered by a Minister that is no Preacher, or by one that is a Preacher. And if any hereafter shall offend herein, or leave their own Parish-churches in that Respect, and communicate, or cause their Children to be baptized in other Parishes abroad, and will not be moved thereby to reform that their Error and unlawful Course; let them be presented to the Ordinary of the Place by the Minister,

42 Constitutions and Canons Ecclesiastical.

Minister, Churchwardens, and Sidemen, or Questmen of the Parishes where they dwell, and there receive such Punishment by Ecclesiastical Censures, as such Obstinacy doth worthily deserve; that is, let them, persisting in their Wilfulness, be suspended, and then, after a Month's farther Obstinacy, excommunicated. And likewise, if any Parson, Vicar, or Curate, shall, after the publishing hereof, either receive to the Communion any such Persons which are not of his own Church and Parish, or shall baptize any of their Children, thereby strengthening them in their said Errors; let him be suspended, and not released thereof, until he do faithfully promise that he will not afterwards offend therein.

LVIII. *Ministers reading Divine Service, and administering the Sacraments, to wear Surplices, and Graduates therewithal Hoods.*

EVery Minister saying the publick Prayers, or ministering the Sacraments, or other Rites of the Church, shall wear a decent and comely Surplice with sleeves, to be provided at the Charge of the Parish. And if any Question arise touching the Matter, Decency, or Comeliness thereof, the same shall be decided by the Discretion of the Ordinary. Furthermore, such Ministers as are Graduates, shall wear upon their Surplices at such Times, such Hoods as by the Orders of the Universities are agreeable to their Degrees, which no Minister shall wear, being no Graduate, under Pain of Suspension. Notwithstanding it shall be lawful for such Ministers as are not Graduates, to wear upon their Surplices, instead of Hoods, some decent Tippet of Black, so it be not Silk.

LIX. *Ministers to catechize every Sunday.*

EVery Parson, Vicar, or Curate, upon every *Sunday* and Holyday, before Evening Prayer, shall, for half an Hour or more, examine and instruct the Youth and ignorant Persons of his Parish, in the Ten Commandments, the Articles of the Belief, and in the Lord's Prayer; and shall diligently hear, instruct, and teach them the Catechism set forth in the Book of Common Prayer. And all Fathers, Mothers, Masters, and Mistresses, shall cause their Children, Servants, and Apprentices, which have not learned the Catechism, to come to the Church at the Time appointed, obediently to hear, and to be ordered by the Minister, until they have learned the same. And if any Minister neglect his Duty herein, let him be sharply reprov'd upon the first Complaint, and true Notice thereof given to the Bishop or Ordinary of the Place. If after submitting himself, he shall willingly

Constitutions and Canons Ecclesiastical. 43

willingly offend therein again, let him be suspended: If so the third Time, there being little Hope that he will be therein reformed, then excommunicated, and so remain until he will be reformed. And likewise, if any of the said Fathers, Mothers, Masters, or Mistresses, Children, Servants, or Apprentices, shall neglect their Duties, as the one Sort in not causing them to come, and the other in refusing to learn as aforesaid; let them be suspended by their Ordinaries, (if they be not Children); and if they so persist by the Space of a Month, then let them be excommunicated.

LX. Confirmation to be performed once in three Years.

FOrasmuch as it hath been a solemn, ancient, and laudable Custom in the Church of God, continued from the Apostles' Times, that all Bishops should lay their Hands upon Children baptised, and instructed in the Catechism of Christian Religion, praying over them, and blessing them, which we commonly call *Confirmation*; and that this holy Action hath been accustomed in the Church in former Ages, to be performed in the Bishop's Visitation every third Year; we will and appoint that every Bishop, or his Suffragan, in his accustomed Visitation, do, in in his own Person, carefully observe the said Custom. And if in that Year, by reason of some Infirmary, he be not able personally to visit, then he shall not omit the Execution of that Duty of Confirmation the next Year after, as he may conveniently.

LXI. Ministers to prepare Children for Confirmation.

EVery Minister that hath cure and charge of Souls, for the better accomplishing of the Orders prescribed in the Book of Common Prayer concerning Confirmation, shall take especial Care as that none shall be presented to the Bishop for him to lay his Hands upon, but such as can render an Account of their Faith, according to the Catechism in the said Book contained. And when the Bishop shall assign any Time for the Performance of that Part of his Duty, every such Minister shall use his best Endeavour to prepare and make able, and likewise to procure as many as he can to be then brought, and by the Bishop to be confirmed.

LXII. Ministers not to marry any Persons without Banns or Licence.

NO Minister, upon Pain of Suspension *per triennium ipso facto*, shall celebrate Matrimony between any Persons, without a Faculty or Licence granted by some of the Persons in these our Constitutions expressed, except the Banns of Matrimony have been first published three several *Sundays* or Holydays, in the Time of Divine Service, in the Parish Churches and Chapels where the said Parties dwell, accord-

44 Constitutions and Canons Ecclesiastical.

ing to the Book of Common Prayer. Neither shall any Minister, upon the like Pain, under any Pretence whatsoever, join any Persons so licensed, in Marriage, at any unseasonable Times, but only between the Hours of Eight and Twelve in the Forenoon, nor in any private Place, but either in the said Churches or Chapels where one of them dwelleth, and likewise in Time of Divine Service; nor when Banns are thrice asked, and no Licence in that respect necessary before the Parents or Governors of the Parties to be married, being under the Age of twenty and one Years, shall either personally, or by sufficient Testimony, signify to him their Consents given to the said Marriage.†

LXIII. *Ministers of exempt Churches, not to marry without Banns, or Licence.*

Every Minister who shall hereafter celebrate Marriage between any Persons, contrary to our said Constitutions, or any Part of them, under Colour of any peculiar Liberty or Privilege claimed to appertain to certain Churches and Chapels, shall be suspended *per triennium* by the Ordinary of the Place where the Offence shall be committed. And if any such Minister shall afterwards remove from the Place where he hath committed that Fault before he be suspended, as is aforesaid, then shall the Bishop of the Diocese, or Ordinary of the Place where he remaineth, upon Certificate under the Hand and Seal of the other Ordinary, from whose Jurisdiction he removed, execute that Censure upon him.

LXIV. *Ministers solemnly to bid Holydays.*

Every Parson, Vicar, or Curate, shall, in his several Charge, declare to the People every Sunday, at the Time appointed in the Communion-book, whether there be any Holydays or Fasting-days the Week following. And if any do hereafter wittingly offend herein, and being once admonished thereof by his Ordinary, shall again omit that Duty, let him be censured according to Law, until he submit himself to the due Performance of it.

LXV. *Ministers solemnly to denounce Recusants and Excommunicates.*

All Ordinaries shall, in their several Jurisdictions, carefully see and give Order, that as well those who for obstinate refusing to frequent Divine Service established by publick Authority within this Realm of England, as those also (especially of the better Sort, and Condition) who for notorious Contumacy or other notable Crimes stand lawfully excommunicate (unless within three Months immediately

† In 1753 An Act was passed to prevent clandestine Marriages wherein among other things it was enacted that Banns should be published only on Sunday after the morning service after the 2^d of

Constitutions and Canons Ecclesiastical. 45

diately after the said Sentence of Excommunication pronounced against them, they reform themselves, and obtain the Benefit of Absolution) be every Six Months ensuing, as well in the Parish Church, as in the Cathedral Church of the Diocese in which they remain; by the Minister, openly, in Time of Divine Service, upon some *Sunday*, denounced and declared excommunicate, that others may be thereby both admonished to refrain their Company and Society, and excited the rather to procure out a Writ *De excommunicato capiendo*, thereby to bring and reduce them into due Order and Obedience. Likewise the Register of every Ecclesiastical Court shall yearly, between *Michaelmas* and *Christmas*, duly certify the Archbishop of the Province of all and singular the Premises aforesaid.

LXVI. *Ministers to confer with Recusants.*

EVERY Minister, being a Preacher, and having any Popish Recusant or Recusants in his Parish, and thought fit by the Bishop of the Diocese, shall labour diligently with them from Time to Time, thereby to reclaim them from their Errors. And if he be no Preacher, or not such a Preacher, then he shall procure, if he can possibly, some that are Preachers so qualified, to take Pains with them for that Purpose. If he can procure none, then he shall inform the Bishop of the Diocese thereof, who shall not only appoint some Neighbour Preacher or Preachers adjoining to take that Labour upon them, but himself also, as his important Affairs will permit him, shall use his best Endeavour, by Instruction, Persuasion, and all good Means he can devise, to reclaim both them and all other within his Diocese so affected.

LXVII. *Ministers to visit the Sick.*

WHEN any Person is dangerously sick in any Parish, the Minister or Curate, having Knowledge thereof, shall resort unto him or her, (if the Disease be not known, or probably suspected to be infectious) to instruct and comfort them in their Distress, according to the Order of the Communion Book, if he be no Preacher: or if he be a Preacher, then as he shall think most needful and convenient. And when any is passing out of this Life, a Bell shall be tolled, and the Minister shall not then slack to do his last Duty. And after the Party's Death, if it so fall out, there shall be rung no more but one short Peal, and one other before the Burial, and one other after the Burial.

LXVIII. *Ministers*

46 Constitutions and Canons Ecclesiastical.

LXVIII. *Ministers not to refuse to christen or bury.*

NO Minister shall refuse or delay to christen any Child, according to the Form of the Book of Common Prayer, that is brought to the Church to him upon *Sundays* or Holy-days, to be christened, or to bury any Corpse that is brought to the Church or Church-yard, (convenient Warning being given him thereof before) in such Manner and Form as is prescribed in the said Book of Common Prayer. And if he shall refuse to christen the one, or bury the other, except the Party deceased were denounced excommunicated *majoris excommunicatione*, for some grievous and notorious Crime, and no Man able to testify of his Repentance) he shall be suspended by the Bishop of the Diocese from his Ministry by the Space of Three Months.

LXIX. *Ministers not to defer christening, if the Child be in Danger.*

IF any Minister, being duly, without any Manner of Collusion, informed of the Weakness and Danger of Death of any Infant unbaptized in his Parish, and thereupon desired to go or come to the Place where the said Infant remaineth, to baptize the same, shall either wilfully refuse so to do, or of Purpose, or of gross Negligence, shall so defer the Time, as when he might conveniently have resorted to the Place, and have baptized the said Infant, it dieth, through such his Default, unbaptized; the said Minister shall be suspended for Three Months, and before his Restitution shall acknowledge his Fault, and promise before his Ordinary, that he will not wittingly incur the like again. Provided, That where there is a Curate, or a Substitute, this Constitution shall not extend to the Parson or Vicar himself, but to the Curate or Substitute present.

LXX. *Ministers to keep a Register of Christenings, Weddings, and Burials.*

IN every Parish Church and Chapel within this Realm, shall be provided one Parchment Book at the Charge of the Parish; wherein shall be written the Day and Year of every Christening, Wedding, and Burial, which have been in that Parish since the Time that the Law was first made in that Behalf, so far as the ancient Books thereof can be procured, but especially since the Beginning of the Reign of the late Queen. And for the safe keeping of the said Book, the Churchwardens, at the Charge of the Parish, shall provide One sure Coffer with Three Locks and Keys; whereof the One to remain with the Minister, and the other Two with the Churchwardens severally; so that neither the Minister, without the Two Churchwardens, nor the Churchwardens

Constitutions and Canons Ecclesiastical. 47

wardens without the Minister, shall at any Time take that Book out of the said Coffer. And henceforth, upon every Sabbath-day, immediately after Morning or Evening Prayer, the Minister and Churchwardens shall take the said Parchment Book out of the said Coffer, and the Minister, in the Presence of the Churchwardens, shall write and record in the said Book the Names of all Persons christened, together with the Names and Surnames of their Parents; and also the Names of all Persons married and buried in that Parish in the Week before, and the Day and Year of every such Christening, Marriage, and Burial: And that done, they shall lay up that Book in the Coffer, as before; and the Minister and Churchwardens unto every Page of that Book, when it shall be filled with such Inscriptions, shall subscribe their Names. And the Churchwardens shall once every Year, within one Month after the Five and twentieth Day of *March*, transmit unto the Bishop of the Diocese, or his Chancellor, a true Copy of the Names of all Persons christened, married, or buried in their Parish in the Year before, (ended the said Five and twentieth Day of *March*) and the certain Days and Months in which every such Christening, Marriage, and Burial was had, to be subscribed with the Hands of the said Ministers and Churchwardens, to the End the same may faithfully be preserved in the Registry of the said Bishop; which Certificate shall be received without Fee. And if the Minister or Churchwardens shall be negligent in Performance of any Thing herein contained, it shall be lawful for the Bishop, or his Chancellor, to convent them, and proceed against every of them as Contemners of this our Constitution.†

LXXI. *Ministers not to preach or administer the Communion in private Houses.*

NO Minister shall preach or administer the Holy Communion in any private House, except it be in Times of Necessity, when any being either so impotent as he cannot go to the Church, or very dangerously sick, are desirous to be Partakers of the Holy Sacrament, upon Pain of Suspension for the First Offence, and Excommunication for the Second. Provided, That Houses are here reputed for private Houses, wherein are no Chapels dedicated and allowed by the Ecclesiastical Laws of this Realm. And provided also, under the Pains before expressed, that no Chaplains do preach or administer the Communion in any other Places, but in the Chapels of the said Houses; and that also they do the same very seldom upon *Sundays* and *Holydays*: So that both the Lords and Masters of the said Houses

† By the Marriage Act 1753: the Register of Marriages was ordered to be kept in a separate Book, and entered more particularly

48 Constitutions and Canons Ecclesiastical.

Houses; and their Families, shall at other Times resort to their own Parish Churches, and there receive the holy Communion at the least once every Year.

LXXII. Ministers not to appoint publick or private Fasts or Prophecies, or to exercise, but by Authority.

NO Minister or Ministers shall, without the Licence and Direction of the Bishop of the Diocese first obtained and had under his Hand and Seal, appoint or keep any solemn Fasts, either publickly or in any private Houses, other than such as by Law are, or by publick Authority shall be appointed, nor shall be wittingly present at any of them, under Pain of Suspension for the First Fault, of Excommunication for the Second, and of Deposition from the Ministry for the Third. Neither shall any Minister, not licensed, as is aforesaid, presume to appoint or hold any Meetings for Sermons, commonly termed by some Prophecies or Exercises, in Market Towns, or other Places, under the said Pains; nor, without such Licence, to attempt, upon any Pretence whatsoever, either of Possession or Obsession, by Fasting and Prayer, to cast out any Devil or Devils, under Pain of the Imputation of Imposture or Cosenage, and Deposition from the Ministry.

LXXIII. Ministers not to hold private Conventicles.

FOrasmuch as all Conventicles, and secret Meetings of Priests and Ministers, have been ever justly accounted very hurtful to the State of the Church wherein they live; we do now ordain and constitute, That no Priests or Ministers of the Word of God, nor any other Persons, shall meet together in any private House, or elsewhere, to consult upon any Matter or Course to be taken by them, or upon their Motion, or Direction by any other, which may any Way tend to the impeaching or depraving of the Doctrine of the Church of *England*, or of the Book of Common Prayer, or of any Part of the Government and Discipline now established in the Church of *England*, under Pain of Excommunication *ipso facto*.

LXXIV. Decency in Apparel enjoined to Ministers.

THE true, ancient, and flourishing Churches of Christ, being ever desirous that their Prelacy and Clergy might be had as well in outward reverence, as otherwise regarded, for the Worthiness of their Ministry, did think it fit, by a prescript Form of decent and comely Apparel, to have them known to the People, and thereby to receive the Honour and Estimation due to the special Messengers and Ministers of Almighty God: We therefore following their grave Judgement, and the ancient Custom of the Church

Constitutions and Canons Ecclesiasticat. 49

Church of England; and hoping that in Time Newfangledness of Apparel in some factious Persons will die of itself, do constitute and appoint, That the Archbishops and Bishops shall not intermit to use the accustomed Apparel of their Degrees. Likewise all Deans, Masters of Colleges, Archdeacons, and Prebendaries in Cathedral and Collegiate Churches, (being Priests or Deacons,) Doctors in Divinity, Law, and Physick, Bachelors in Divinity, Masters of Art, and Bachelors of Law, having any Ecclesiastical Living, shall usually wear Gowns with standing Collars, and Sleeves strait at the Hands, or wide Sleeves, as is used in the Universities, with Hoods or Tippets of Silk or Sarcenet, and square Caps. And that all other Ministers admitted, or to be admitted into that Function, shall also usually wear the like Apparel, as is aforesaid, except Tippets only. We do further in like Manner ordain, That all the said Ecclesiastical Persons above mentioned shall usually wear in their Journeys Cloaks with Sleeves, commonly called *Priest's Cloaks*, without Guards, Wets, long Buttons, or Cuts. And no Ecclesiastical Person shall wear any Coif or wrought Nightcap, but only plain Nightcaps of Black Silk, Satten, or Velvet. In all which Particulars concerning the Apparel here prescribed, our Meaning is not to attribute any Holiness or special Worthiness to the said Garments, but for Decency, Gravity, and Order, as is before specified. In private Houses, and in their Studies, the said Persons Ecclesiastical may use any comely and scholar-like Apparel, provided that it be, not Cur or Pinkt; and that in publick they go not in their Doublet and Hole, without Coats or Callocks; and that they wear not any Light-coloured Stockings. Likewise poor beneficed Men and Curates, not being able to provide themselves long Gowns, may go in short Gowns, of the Fashion aforesaid.

LXXV. *Sober Conversation required in Ministers.*

NO Ecclesiastical Person shall at any Time, other than for their honest Necessities, resort to any Taverns or Alehouses, neither shall they board or lodge in any such Places. Furthermore, they shall not give themselves to any base or servile Labour, or to Drinking or Riot, spending their Time idly by Day or by Night, playing at Dice, Cards, or Tables, or any other unlawful Game: But at all Times convenient they shall hear or read somewhat of the holy Scriptures, or shall occupy themselves with some other honest Study or Exercise; always doing the Things which shall appertain to Honesty, and endeavouring to profit the Church of God; having always in Mind that they ought to excel all

50 Constitutions and Canons Ecclesiastical.

others in purity of Life, and should be Examples to the People to live well and Christianly, under Pain of Ecclesiastical Censures to be inflicted with Severity, according to the Qualities of their Offences.

LXXVI. *Ministers at no Time to forsake their Calling.*

NO Man being admitted a Deacon or Minister, shall from thenceforth voluntarily relinquish the same, nor afterward use himself in the Course of his Life as a Layman, upon Pain of Excommunication. And the Names of all such Men, so forsaking their Calling, the Churchwardens of the Parish where they dwell shall present to the Bishop of the Diocese, or to the Ordinary of the Place, having Episcopal Jurisdiction.

SCHOOLMASTERS.

LXXVII. *None to teach School without Licence.*

NO Man shall teach, either in publick School or private House, but such as shall be allowed by the Bishop of the Diocese, or Ordinary of the Place, under his Hand and Seal, being found meet as well for his Learning and Dexterity in teaching, as for sober and honest Conversation; and also for right Understanding of God's true Religion; and also except he shall first subscribe to the first and third Articles afore mentioned, simply, and to the Two first Clauses of the second Article.

LXXVIII. *Curates desirous to teach, to be licensed before others.*

IN what Parish Church or Chapel soever there is a Curate, which is a Master of Arts, or Bachelor of Arts, or is otherwise well able to teach Youth, and will willingly so do, for the better Increase of his Living, and training up of Children in Principles of true Religion; we will and ordain, That a Licence to teach Youth of the Parish where he serveth be granted to none by the Ordinary of that Place, but only to the said Curate. Provided always, That this Constitution shall not extend to any Parish or Chapel in Country-towns, where there is a publick School founded already; in which Case we think it not meet to allow any to teach Grammar, but only him that is allowed for the said publick School.

LXXIX. *The*

Constitutions and Canons Ecclesiastical. 51

LXXIX. *The Duty of Schoolmasters.*

ALL Schoolmasters shall teach in *English* or *Latin*, as the Children are able to bear, the larger or shorter Catechism heretofore by publick Authority set forth. And as often as any Sermon shall be upon Holy and Festival Days within the Parish where they teach, they shall bring their Scholars to the Church where such Sermon shall be made, and there see them quietly and soberly behave themselves; and shall examine them at Times convenient, after their Return, what they have borne away of such Sermons. Upon other Days, and at other Times, they shall train them up with such Sentences of holy Scriptures, as shall be most expedient to induce them to all Godliness: And they shall teach the Grammar set forth by King *HENRY* the Eighth, and continued in the Times of King *EDWARD* the Sixth, and Queen *ELIZABETH*, of Noble Memory, and none other. And if any Schoolmaster, being licensed, and having subscribed, as aforesaid, shall offend in any of the Premises, or either speak, write, or teach, against any Thing whereunto he hath formerly subscribed, (if upon Admonition by the Ordinary he do not amend and reform himself) let him be suspended from teaching School any longer.

Things appertaining to CHURCHES.

LXXX. *The Great Bible, and Book of Common Prayer, to be had in every Church.*

THE Churchwardens or Questmen of every Church and Chapel shall, at the Charge of the Parish, provide the Book of Common Prayer, lately explained in some few Points by His Majesty's Authority, according to the Laws and His Highness' Prerogative in that Behalf, and that with all convenient Speed, but at the farthest within two Months after the publishing of these our Constitutions. And if any Parishes be yet unfurnished of the Bible of the largest Volume, or of the Books of Homilies allowed by Authority, the said Churchwardens shall, within convenient Time, provide the same at the like Charge of the Parish.

LXXXI. *A Font of Stone for Baptism in every Church.*

According to a former Constitution, too much neglected in many Places, we appoint, That there shall be a Font of Stone in every Church and Chapel where Baptism is to be ministered; the same to be set in the ancient usual Places. In which only Font the Minister shall baptize publicly.

52 *Constitutions and Canons Ecclesiastical.*

LXXXII. A decent Communion Table in every Church.

WHereas we have no Doubt, but that in all Churches within the Realm of *England*, convenient and decent Tables are provided and placed for the Celebration of the Holy Communion, we appoint, That the same Tables shall, from Time to Time, be kept and repaired in sufficient and seemly Manner, and covered in Time of Divine Service with a Carpet of Silk, or other decent Stuff, thought meet by the Ordinary of the Place, if any Question be made of it, and with a fair Linen Cloth at the Time of the Ministration, as becometh that Table, and so stand, saving when the said Holy Communion is to be administered: At which Time the same shall be placed in so good Sort within the Church or Chancel, as thereby the Minister may be more conveniently heard of the Communicants in his Prayer and Ministration, and the Communicants also more conveniently, and in more Number, may communicate with the said Minister: And that the Ten Commandments be set upon the East End of every Church and Chapel, where the People may best see and read the same, and other chosen Sentences written upon the Walls of the said Churches and Chapels in Places convenient; and likewise that a convenient Seat be made for the Minister to read Service in. All these to be done at the Charge of the Parish.

LXXXIII. A Pulpit to be provided in every Church.

THE Churchwardens or Questmen, at the common Charge of the Parishioners, in every Church, shall provide a comely and decent Pulpit, to be set in a convenient Place within the same, by the Discretion of the Ordinary of the Place, if any Question do arise, and to be there seemly kept for the preaching of God's Word.

LXXXIV. A Chest for Alms in every Church.

THE Churchwardens shall provide and have within three Months after the publishing of these Constitutions, a strong Chest, with a hole in the upper Part thereof, to be provided at the Charge of the Parish, (if there be none such already provided,) having three Keys; of which one shall remain in the Custody of the Parson, Vicar, or Curate, and the other two in the Custody of the Churchwardens for the Time being: Which Chest they shall set and fasten in the most convenient Place, to the Intent the Parishioners may put into it their Alms for their poor Neighbours. And the Parson, Vicar, or Curate, shall diligently, from Time to Time, and especially when Men make their Testaments, call up-
on,

Constitutions and Canons Ecclesiastical. 53

on, exhort, and move their Neighbours to confer, and give as they may well spare, to the said Chest; declaring unto them, that whereas heretofore they have been diligent to bestow much Substance, otherwise than God commanded, upon superstitious Uses, now they ought at this Time to be much more ready to help the Poor and Needy, knowing that to relieve the Poor is a Sacrifice which plealeth God; and that also, whatsoever is given for their Comfort, is given to Christ himself, and is so accepted of him, that he will mercifully reward the same. The which Alms and Devotion of the People the Keepers of the Keys shall yearly, quarterly, or oftner, (as Need requireth) take out of the Chest, and distribute the same in the Presence of most of the Parish, or Six of the chief of them, to be duly and faithfully delivered to their most poor and needy Neighbours.

LXXXV. Churches to be kept in sufficient Reparations.

THE Churchwardens or Questmen shall take care and provide that the Churches be well and sufficiently repaired, and so from Time to Time kept and maintained; that the Windows be well glazed, and that the Floors be kept paved, plain, and even, and all Things there in such an orderly and decent Sort, without Duff, or any Thing that may be either noisome or unseemly, as best becometh the House of God, and is prescribed in an Homily to that Effect. The like Care they shall take that the Church-yards be well and sufficiently repaired, fenced, and maintained with Walls, Rails, or Pales, as have been in each Place accustomed, at their Charges unto whom by Law the same appertaineth; but especially they shall see that in every Meeting of the Congregation Peace be well kept; and that all Persons excommunicated, and so denounced, be kept out of the Church.

LXXXVI. Churches to be surveyed, and the Decays certified to the High Commissioners.

EVERY Dean, Dean and Chapter, Archdeacon, and others, which have Authority to hold Ecclesiastical Visitations by Composition, Law, or Prescription, shall survey the Churches of his or their Jurisdiction once in every Three Years, in his own Person, or cause the same to be done; and shall, from Time to Time, within the said Three Years, certify the High Commissioners for Causes Ecclesiastical, every Year, of such Defects in any the said Churches, as he or they do find to remain unrepaired, and the Names and Surnames of the Parties faulty therein. Upon which Certificate we desire that the said High Commissioners will, *ex officio mero*, send for such Parties, and compel them to obey the just and lawful Decrees of such Ecclesiastical Ordinaries making such Certificates.

54 **Constitutions and Canons Ecclesiastical.**

LXXXVII. *A Terrier of Glebe-lands, and other Possessions belonging to Churches.*

WE ordain, That the Archbishops, and all Bishops within their several Dioceſes, ſhall procure (as much as in them lieth) that a true Note and Terrier of all the Glebes, Lands, Meadows, Gardens, Orchards, Houſes, Stocks, Implements, Tenements, and Portions of Tithes lying out of their Pariſhes, (which belong to any Parſonage or Vicarage, or rural Prebend), be taken by the View of honeſt Men in every Pariſh, by the Appointment of the Biſhop, (whereof the Miniſter to be One,) and be laid up in the Biſhop's Registry, there to be for a perpetual Memory thereof.

LXXXVIII. *Churches not to be profaned.*

THE Churchwardens or Queſtmen, and their Aſſiſtants, ſhall ſuffer no Plays, Feaſts, Banquets, Suppers, Churchales, Drinkings, Temporal Courts or Leets, Lay-juries, Muſters, or any other profane Uſage to be kept in the Church, Chapel, or Church-yard; neither the Bells to be rung ſuperſtitiouſly, upon Holydays or Eves abrogated by the Book of Common Prayer, nor at any other Times, without good Cauſe to be allowed by the Miniſter of the Place, and by themſelves.

Churchwardens or Queſtmen, and Sidemen
or Aſſiſtants.

LXXXIX. *The Choice of Churchwardens, and their Account.*

ALL Churchwardens or Queſtmen in every Pariſh ſhall be choſen by the joint Conſent of the Miniſter and the Pariſhioners, if it may be; but if they cannot agree upon ſuch a Choice, then the Miniſter ſhall chuſe One, and the Pariſhioners another: And without ſuch a Joint or ſeveral Choice, none ſhall take upon them to be Churchwardens; neither ſhall they continue any longer than One Year in that Office, except perhaps they be choſen again in like Manner. And all Churchwardens at the End of their Year, or within a Month after at the moſt, ſhall, before the Miniſter and the Pariſhioners, give up a juſt Account of ſuch Money as they have received, and alſo what particularly they have beſtowed in Reparations, and otherwiſe, for the Uſe of the Church. And laſt of all, going out of their Office, they ſhall truly deliver up to the
Pariſhioners

Constitutions and Canons Ecclesiastical. 55

Parishioners whatsoever Money or other Things of right belonging to the Church or Parish, which remaineth in their Hands, that it may be delivered over by them to the next Churchwardens by bill indented.

XC. *The Choice of Sidemen, and their joint Office with Churchwardens.*

THE Churchwardens or Questmen of every Parish, and two or three or more discreet Persons in every Parish, to be chosen for Sidemen or Assistants by the Minister and Parishioners, if they can agree, (otherwise to be appointed by the Ordinary of the Diocese) shall diligently see that all the Parishioners duly resort to their Church upon all *Sundays* and Holydays, and there continue the whole Time of Divine Service; and none to walk or stand idle or talking in the Church, or in the Church-yard, or the Church-porch, during that Time. And all such as shall be found slack or negligent in resorting to the Church, having no great or urgent Cause of Absence, they shall earnestly call upon them; and after due Monition, if they amend not, they shall present them to the Ordinary of the Place. The choice of which Persons, *viz.* Churchwardens or Questmen, Sidemen or Assistants, shall be yearly made in *Easter Week*.

PARISH CLERKS.

XCI. *Parish Clerks to be chosen by the Minister.*

NO Parish Clerk upon any Vacation shall be chosen within the city of *London*, or elsewhere, within the Province of *Canterbury*, but by the Parson or Vicar; or, where there is no Parson or Vicar, by the Minister of that Place for the Time being: Which Choice shall be signified by the said Minister, Vicar, or Parson, to the Parishioners the next *Sunday* following, in the Time of Divine Service. And the said Clerk shall be of Twenty Years of Age at the least, and known to the said Parson, Vicar, or Minister, to be of honest Conversation, and sufficient for his Reading, Writing, and also for his competent Skill in Singing, if it may be. And the said Clerks so chosen, shall have and receive their ancient Wages, without Fraud or Diminution, either at the Hands of the Churchwardens, at such Times as hath been accustomed or by their own Collection, according to the most ancient Custom of every Parish.

56 Constitutions and Canons Ecclesiastical.

Ecclesiastical Courts belonging to the Archbishop's Jurisdiction.

XCII. *None to be cited into divers Courts for Probate of the same Will.*

FOrasmuch as many heretofore have been by Apparitors, both of inferior Courts, and of the Courts of the Archbishop's Prerogative, much distracted, and diversely called and summoned for Probate of Wills, or to take Administrations of the Goods of Persons dying intestate, and are thereby vexed and grieved with many causeless and unnecessary Troubles, Molestations, and Expences; we constitute and appoint, That all Chancellors, Commissaries, or Officials, or any other exercising Ecclesiastical Jurisdiction whatsoever, shall at the first charge with an Oath all Persons called, or voluntarily appearing before them for the Probate of any Will, or the Administration of any Goods, whether they know, or (moved by any special Inducement) do firmly believe, that the Party deceased, whose Testament or Goods depend now in question, had, at the Time of his or her death, any Goods, or Good Debts, in any other Diocese or Dioceses, or peculiar Jurisdiction within that Province, than in that wherein the said Party died, amounting to the Value of Five Pounds. And if the said Person cited, or voluntarily appearing before him, shall upon his Oath affirm, that he knoweth, or, as aforesaid, firmly believeth, that the said Party deceased had Goods, or Good Debts, in any other Diocese or Dioceses, or peculiar Jurisdiction within the said Province, to the Value aforesaid, and particularly specify and declare the same; then shall he presently dismiss him, not presuming to intermeddle with the Probate of the said Will, or to grant Administration of the Goods of the Party so dying intestate; neither shall he require or exact any other Charges of the said Parties, more than such only as are due for the Citation, and other Process had and used against the said Parties, upon their further Contumacy; but shall openly and plainly declare and profess, that the said Cause belongeth to the Prerogative of the Archbishop of that Province; willing and admonishing the Party to prove the said Will, or require Administration of the said Goods, in the Court of the said Prerogative, and to exhibit before him the said Judge the Probate or Administration, under the Seal of the Prerogative, within Forty Days next following. And if any Chancellor, Commissary, Official,

Constitutions and Canons Ecclesiastical. 57

ficial, or other exercising Ecclesiastical Jurisdiction whatsoever, or any their Register, shall offend herein, let him be *ipso facto* suspended from the Execution of his Office, not to be absolved or released, until he have restored to the Party all Expences by him laid out, contrary to the Tenor of the Premises: And every such Probate of any Testament, or Administration of Goods so granted, shall be held void and frustrate to all Effects of the Law whatsoever.

Furthermore, we charge and enjoin, That the Register of every inferior Judge do, without all Difficulty or Delay, certify and inform the Apparitor of the Prerogative Court, repairing unto him once a Month, and no oftener, what Executors or Administrators have been by his said Judge, for the Incompetency of his own Jurisdiction, dismissed to the said Prerogative Court within the Month next before, under Pain of a Month's Suspension from the Exercise of his Office, for every Default therein. Provided; That this Canon, or any Thing therein contained, be not prejudicial to any Composition between the Archbishop and any Bishop or other Ordinary, nor to any inferior Judge that shall grant any Probate of Testament, or Administration of Goods, to any Party that shall voluntarily desire it, both out of the said inferior Court, and also out of the Prerogative. Provided likewise, That if any Man die *in itinere*, the Goods that he hath about him at that Present, shall not cause his Testament or Administration to be liable unto the Prerogative Court.

XCIII. *The Rate of Bona Notabilia liable to the Prerogative Court.*

Furthermore, we decree and ordain, That no Judge of the Archbishop's Prerogative shall henceforward cite, or cause to be cited, *ex officio*, any Person whatsoever to any of the aforesaid Intents, unless he have Knowledge that the Party deceased was, at the Time of his Death, possessed of Goods and Chattels in some other Diocese or Dioceses, or peculiar Jurisdiction, within that Province, than in that wherein he died, amounting to the Value of Five Pounds at the least: Decreeing and declaring, That whoso hath not Goods in divers Dioceses to the said Sum or Value, shall not be accounted to have *Bona Notabilia*. Always provided, That this Clause here, and in the former Constitution mentioned, shall not prejudice those Dioceses, where by Composition or Custom *Bona Notabilia* are rated at a greater Sum. And if any Judge of the Prerogative Court, or any his Surrogate, or his Register or Apparitor, shall cite, or cause any Person

58 Constitutions and Canons Ecclesiastical.

Person to be cited into his Court, contrary to the Tenor of the Premises, he shall restore to the Party so cited all his Costs and Charges, and the Acts and Proceedings in that Behalf shall be held void and frustrate. Which Expences, if the said Judge, or Register, or Apparitor, shall refuse accordingly to pay, he shall be suspended from the Exercise of his Office, until he yield to the Performance thereof.

XCIV. *None to be cited into the Arches or Audience, but Dwellers within the Archbishop's Diocese, or Peculiars.*

NO Dean of the Arches, nor Official of the Archbishop's Consistory, nor any Judge of the Audience, shall henceforward, in his own Name, or in the Name of the Archbishop, either *ex officio*, or at the Instance of any Party, originally cite, summon, or any way compel, or procure to be cited, summoned, or compelled any Person which dwelleth not within the particular Diocese or Peculiar of the said Archbishop, to appear before him, or any of them, for any Cause or Matter whatsoever belonging to Ecclesiastical Cognizance, without the Licence of the Diocesan first had and obtained in that Behalf, other than in such particular Cases only as are expressly excepted and reserved in and by a Statute, *Ann. 23. Hen. VIII. cap. 9.* And if any of the said Judges shall offend herein, he shall for every such Offence be suspended from the Exercise of his Office for the Space of Three whole Months.

XCV. *The Restraint of Double Quarrels.*

ALbeit by former Constitutions of the Church of England, every Bishop hath had Two Months' Space to inquire and inform himself of the Sufficiency and Qualities of every Minister, after he hath been presented unto him to be instituted into any Benefice; yet, for the avoiding of some Inconveniencies, we do now abridge and reduce the said Two Months unto Eight and twenty Days only. In respect of which Abridgement, we do ordain and appoint, That no Double Quarrel shall hereafter be granted out of any of the Archbishops' Courts, at the Suit of any Minister whosoever, except he shall first take his personal Oath, that the said Eight and twenty Days at the least are expired after he first tendered his Presentation to the Bishop, and that he refused to grant him Institution thereupon; or shall enter Bonds with sufficient Sureties to prove the same to be true, under Pain of Suspension of the Granter thereof from the Execution of his Office for half a Year *toties quoties*, to be denounced by the said Archbishop, and Nullity of the Double Quarrel aforesaid, so unduly procured, to all Intents and Purposes whatsoever. Always provided, That within the said Eight

and

Constitutions and Canons Ecclesiastical. 59

and twenty Days the Bishop shall not institute any other to the Prejudice of the said Party before presented, *sub pœna nullitatis.*

XCVI. Inhibitions not to be granted without the Subscription of an Advocate.

THAT the Jurisdictions of Bishops may be preserved (as near as may be) entire and free from Prejudice, and that for the Behoof of the Subjects of this Land better Provision be made, that henceforward they be not grieved with frivolous and wrongful Suits and Molestations; it is ordained and provided, That no Inhibition shall be granted out of any Court belonging to the Archbishop of *Canterbury*, at the Instance of any Party, unless it be subscribed by an Advocate practising in the said Court: Which the said Advocate shall do freely, not taking any Fee for the same, except the Party prosecuting the Suit do voluntarily bestow some Gratuity upon him for his Counsel and Advice in the said Cause. The like Course shall be used in granting forth any Inhibition, at the Instance of any Party, by the Bishop, or his Chancellor, against the Archdeacon, or any other Person exercising Ecclesiastical Jurisdiction: And if in the Court or Consistory of any Bishop there be no Advocate at all, then shall the Subscription of a Proctor practising in the same Court be held sufficient.

XCVII. Inhibitions not to be granted until the Appeal be exhibited to the Judge.

IT is further ordered and decreed, That henceforward no Inhibition be granted by Occasion of any interlocutory Decree, or in any Cause of Correction whatsoever, except under the Form aforesaid: And moreover, That before the going out of any such Inhibition, the Appeal itself, or a Copy thereof, (avouched by Oath to be just and true) be exhibited to the Judge, or his lawful Surrogate, whereby he may be fully informed, both of the Quality of the Crime, and of the Cause of the Grievance, before the granting forth of the said Inhibition. And every Appellant, or his lawful Proctor, shall, before the obtaining of any such Inhibition, shew and exhibit to the Judge, or his Surrogate, in Writing, a true Copy of those Acts wherewith he complaineth himself to be aggrieved, and from which he appealeth; or shall take a corporal Oath, that he hath performed his Diligence and true Endeavour for the obtaining of the same, and could not obtain it at the Hands of the Register in the Country, or his Deputy, tendering him his Fee. And if any Judge or Register shall either procure or permit any Inhibition to be sealed, so as is said, contrary to the Form and Limitation
above

60 Constitutions and Canons Ecclesiastical.

above specified, let him be suspended from the Execution of his Office for the Space of Three Months: If any Proctor, or other Person whatsoever by his Appointment, shall offend in any of the Premises, either by making or sending out any Inhibition, contrary to the Tenor of the said Premises, let him be removed from the Exercise of his Office for the Space of a whole Year, without Hope of Release or Restoring.

XCVIII. Inhibitions not to be granted to factious Appellants, unless they first subscribe.

FOrasmuch as they who break the Laws, cannot in Reason claim any Benefit or Protection by the same; We decree and appoint, That after any Judge Ecclesiastical hath proceeded judicially against obstinate and factious Persons, and Contemners of Ceremonies, for not observing the Rites and Orders of the Church of *England*, or for Contempt of publick Prayer, no Judge, *ad quem*, shall admit or allow any his or their Appeals, unless he, having first seen the original Appeal, the Party Appellant do first personally promise and avow, that he will faithfully keep and observe all the Rites and Ceremonies of the Church of *England*, as also the pre-script Form of Common Prayer; and do likewise subscribe to the Three Articles formerly by us specified and declared.

XCIX. None to marry within the Degrees prohibited.

NO Person shall marry within the Degrees prohibited by the Laws of God, and expressed in a Table set forth by Authority, in the Year of our Lord God 1563. And all Marriages so made and contracted, shall be adjudged incestuous and unlawful, and consequently shall be dissolved as void from the Beginning; and the Parties so married shall by Course of Law be separated. And the aforesaid Table shall be in every Church publickly set up and fixed at the Charge of the Parish.

C. None to marry under Twenty-one Years without their Parents' Consent.

NO Children, under the Age of One and Twenty Years complete, shall contract themselves, or marry, without the Consent of their Parents, or of their Guardians and Governors, if their Parents be deceased.

CI. By whom Licences to marry without Banns shall be granted, and to what Sort of Persons.

NO Faculty or Licence shall be henceforth granted for Solemnization of Matrimony betwixt any Parties, without Thrice open Publication of the Banns, according to the Book of Common Prayer, by any Person exercising any Ecclesiastical

Constitutions and Canons Ecclesiastical. 61

Ecclesiastical Jurisdiction, or claiming any Privileges in the Right of their Churches; but the same shall be granted only by such as have Episcopal Authority, or the Commissary for Faculties, Vicars-general of the Archbishops and Bishops, *sede plena*, or *sede vacante*, the Guardian of the Spiritualities, or Ordinaries exercising of Right Episcopal Jurisdiction, in their several Jurisdictions respectively, and unto such Persons only as be of good State and Quality, and that upon good Caution and Security taken.

CII. *Security to be taken at the granting of such Licences, and under what Conditions.*

THE Security mentioned shall contain these Conditions: First, That at the Time of the granting every such Licence, there is not any Impediment of Pre-contract, Consanguinity, Affinity, or other lawful Cause to hinder the said Marriage. Secondly, That there is not any Controversy or Suit depending in any Court before any Ecclesiastical Judge, touching any Contract or Marriage of either of the said Parties with any other. Thirdly, That they have obtained thereunto the express Consent of their Parents, (if they be living,) or otherwise of their Guardians or Governors. Lastly, That they shall celebrate the said Matrimony publicly in the Parish Church or Chapel where one of them dwelleth, and in no other Place, and that between the Hours of Eight and Twelve in the Forenoon.

CIII. *Oaths to be taken for the Conditions.*

FOR the avoiding of all Fraud and Collusion in the obtaining of such Licences and Dispensations, we further constitute and appoint, That before any Licence for the Celebration of Matrimony without Publication of Banns be had or granted, it shall appear to the Judge, by the Oaths of Two sufficient Witnesses, one of them to be known either to the Judge himself, or to some other Person of good Reputation then present, and known likewise to the said Judge, that the express Consent of the Parents, or Parent, if one be dead, or Guardians or Guardian of the Parties, is thereunto had and obtained. And furthermore, That one of the Parties personally swear, that he believeth there is no Let or Impediment of Pre-contract, Kindred, or Alliance, or of any other lawful Cause whatsoever, nor any Suit commenced in any Ecclesiastical Court, to bar or hinder the Proceeding of the said Matrimony, according to the Tenor of the foresaid Licence.

CIV. *At*

62 Constitutions and Canons Ecclesiastical.

CIV. *An Exception for those that are in Widowhood.*

IF both the Parties which are to marry being in Widowhood, do seek a Faculty for the forbearing of Banns, then the Clauses before mentioned, requiring the Parents' Consents, may be omitted; but the Parishes where they dwell, both shall be expressed in the Licence, as also the Parish named where the Marriage shall be celebrated. And if any Commissary for Faculties, Vicars-general, or other the said Ordinaries, shall offend in the Premises, or any Part thereof, he shall, for every Time so offending, be suspended from the Execution of his Office for the Space of Six Months; and every such Licence or Dispensation shall be held void to all Effects and Purposes, as if there had never been any such granted; and the Parties marrying by virtue thereof, shall be subject to the Punishments which are appointed for clandestine Marriages.

CV. *No Sentence for Divorce to be given upon the sole Confession of the Parties.*

FOrasmuch as matrimonial Causes have been always reckoned and reputed amongst the weightiest, and therefore require the greater Caution, when they come to be handled and debated in Judgement; especially in Causes wherein Matrimony, having been in the Church duly solemnized, is required, upon any Suggestion or pretext whatsoever, to be dissolved or annulled; we do straitly charge and injoin, That in all Proceedings to divorce, and Nullities of Matrimony, good Circumspection and Advice be used, and that the Truth may, as far as is possible, be sifted out by the Deposition of Witnesses, and other lawful Proofs and Evictions; and that Credit be not given to the sole Confession of the Parties themselves, howsoever taken upon Oath, either within or without the Court.

CVI. *No Sentence for Divorce to be given but in open Court.*

NO Sentence shall be given either for Separation *a thoro & mensa*, or for annulling of pretended Matrimony, but in open Court, and in the Seat of Justice; and that with the Knowledge and Consent either of the Archbishop within his Province, or of the Bishop within his Diocese, or of the Dean of the Arches, the Judge of the Audience of Canterbury, or of the Vicars-general, or other principal Officials, or, *sede vacante*, of the Guardians of the Spiritualities, or other Ordinaries to whom of Right it appertaineth, in their several Jurisdictions and Courts, and concerning them only that are then dwelling under their Jurisdictions.

CVII.

Constitutions and Canons Ecclesiastical. 63

CVII. *In all Sentences for Divorce, Bond to be taken for not marrying during each other's Life.*

IN all Sentences pronounced only for Divorce and Separation *a thoro & mensa*, there shall be a Caution and Restraint inserted in the Act of the said Sentence, that the Parties so separated shall live chaste and continently, neither shall they, during each other's Life, contract Matrimony with other Person. And for the better Observation of this last Clause, the said Sentence of Divorce shall not be pronounced, until the Party or Parties requiring the same have given good and sufficient Caution and Security into the Court, that they will not any Way break or transgress the said Restraint or Prohibition.

CVIII. *The Penalty for Judges offending in the Premises.*

AND if any Judge, giving Sentence of Divorce, or Separation, shall not fully keep and observe the Premises, he shall be, by the Archbishop of the Province, or by the Bishop of the Diocese, suspended from the Exercise of his Office for the Space of a whole Year; and the Sentence of Separation, so given contrary to the Form aforesaid, shall be held void to all Intents and Purposes of the Law, as if it had not at all been given or pronounced.

Ecclesiastical Courts belonging to the Jurisdiction of Bishops and Archdeacons, and the Proceedings in them.

CIX. *Notorious Crimes and Scandals to be certified into Ecclesiastical Courts by Presentment.*

IF any offend their Brethren, either by Adultery, Whoredom, Incest, or Drunkenness, or by Swearing, Ribaldry, Usury, or any other Uncleaness and Wickedness of Life, the Churchwardens or Questmen, and Sidemen, in their next Presentments to their Ordinaries, shall faithfully present all and every of the said Offenders, to the Intent that they and every of them may be punished by the Severity of the Laws, according to their Deserts; and such notorious Offenders shall not be admitted to the holy Communion till they be reformed.

CX. *Schismaticks to be presented.*

IF the Churchwardens, or Questmen, or Assistants, do or shall know any Man within their Parish, or elsewhere, that is a hinderer of the Word of God to be read or sincerely

64 Constitutions and Canons Ecclesiastical.

ly preached, or of the Execution of these our Constitutions, or a Factor of any usurped or foreign Power, by the Laws of this Realm justly rejected and taken away, or a Defender of Popish and erroneous Doctrine; they shall detect and present the same to the Bishop of the Diocese, or Ordinary of the Place, to be censured and punished according to such Ecclesiastical Laws as are prescribed in that Behalf.

CXI. *Disturbers of Divine Service to be presented.*

IN all Visitations of Bishops and Archdeacons, the Churchwardens, or Questmen, and Sidemen, shall truly and personally present the Names of all those which behave themselves rudely and disorderly in the Church, or which, by untimely ringing of Bells, by walking, talking, or other Noise, shall hinder the Minister or Preacher.

CXII. *Not Communicants at Easter to be presented.*

THE Minister, Churchwardens, Questmen, and Assistants of every Parish Church and Chapel, shall yearly, within Forty Days after *Easter*, exhibit to the Bishop, or his Chancellor, the Names and Surnames of all the Parishioners, as well Men as Women, which being of the Age of Sixteen Years, received not the Communion at *Easter* before.

CXIII. *Ministers may present.*

BECAUSE it often cometh to pass, that the Churchwardens, Sidemen, Questmen, and such other Persons of the Laity, as are to take care for the suppressing of Sin and Wickedness in their several Parishes, as much as in them lieth, by Admonition, Reprehension, and Denunciation, to their Ordinaries, do forbear to discharge their Duties therein, either through Fear of their Superiors, or through Negligence, more than were fit, the Licentiousness of these Times considered; we ordain, That hereafter any Parson or Vicar, or, in the lawful Absence of any Parson or Vicar, then their Curates and Substitutes, may join in every Presentment with the said Churchwardens, Sidemen, and the rest above mentioned, at the Times hereafter limited, if they the said Churchwardens and the rest will present such Enormities as are apparent in the Parish: Or if they will not, then every such Parson and Vicar, or in their Absence, as aforesaid, their Curates, may themselves present to their Ordinaries, at such Times, and when else they think it meet, all such Crimes as they have in Charge, or otherwise, as by them (being the Persons that should have the chief Care for the suppressing of Sin and Impiety in their Parishes) shall be thought to require due Reformation. Provided always, That if any

Man

Constitutions and Canons Ecclesiastical. 65

Man confess his secret and hidden Sins to the Minister, for the unburdening of his Conscience, and to receive spiritual consolation and ease of Mind from him, we do not any way bind the said Minister by this our Constitution; but do straitly charge and admonish him, that he do not at any Time reveal and make known to any Person whatsoever, any Crime or Offence so committed to his Trust and Secrecy, (except they be such Crimes, as by the Laws of this Realm his own Life may be called in Question for concealing the same,) under Pain of Irregularity.

CXIV. *Ministers shall present Recusants.*

EVery Parson, Vicar, or Curate, shall carefully inform themselves every Year hereafter, how many Popish Recusants, Men, Women, and Children, above the Age of thirteen Years; and how many being Popishly given, (who though they come to the Church, yet do refuse to receive the Communion,) are Inhabitants, or make their Abode, either as Sojourners, or common Guests, in any of their several Parishes, and shall set down their true Names in Writing, (if they can learn them,) or otherwise, such Names as for the Time they carry, distinguishing the absolute Recusants from half Recusants; and the same, so far as they know or believe, so distinguished and set down under their Hands, shall truly present to their Ordinaries before the Feast of the Nativity next ensuing, under Pain of Suspension, to be inflicted upon them by their said Ordinaries; and so every Year hereafter, upon the like Pain, before the Feast of Saint *John Baptist*. Also we ordain, That all such Ordinaries, Chancellors, Commissaries, Archdeacons, Officials, and all other Ecclesiastical Officers, to whom the said Presentments shall be exhibited, shall likewise, within One Month after the Receipt of the same, under Pain of Suspension by the Bishop from the Execution of their Offices for the Space of Half a Year, as often as they shall offend therein, deliver them, or cause to be delivered to the Bishop respectively; who shall also exhibit them to the Archbishop within Six Weeks, and the Archbishop to His Majesty within other Six Weeks after he hath received the said Presentments.

CXV. *Ministers and Churchwardens not to be sued for Presenting.*

WHereas, for the Reformation of criminous Persons, and Disorders in every Parish, the Churchwardens, Questmen, Sidemen, and such other Church Officers, are sworn, and the Minister charged to present, as well the Crimes and Disorders committed by the said criminous Person

66 Constitutions and Canons Ecclesiastical.

sons, as also the common Fame which is spread abroad of them, whereby they are maligned, and sometimes troubled by the said Delinquents, or their Friends; We do admonish and exhort all Judges, both Ecclesiastical and Temporal, as they regard and reverence the fearful Judgement-seat of the highest Judge, that they admit not in any of their Courts, any Complaint, Plea, Suit or Suits, against any such Churchwardens, Questmen, Sidemen, or other Church-officers, for making any such Presentments, nor against any Minister for any Presentment that he shall make; all the said Presentments tending to the Restraint of shameless Impiety, and considering that the Rules both of Charity and Government do presume, that they did nothing therein of Malice, but for the Discharge of their Consciences.

CXVI. *Churchwardens not bound to present oftener than twice a Year.*

NO Churchwardens, Questmen, or Sidemen, of any Parish, shall be enforced to exhibit their Presentments to any having Ecclesiastical Jurisdiction, above Once in every Year, where it hath been no oftener used, nor above twice in any Diocese whatsoever, except it be at the Bishop's Visitation. For the which Presentments of every Parish Church or Chapel, the Register of any Court, where they are to be exhibited, shall not receive in One Year above Four-pence, under Pain, for every Offence therein, of Suspension from the Execution of his Office for the Space of a Month, *toties quoties*. Provided always, That as good Occasion shall require, it shall be lawful for every Minister, Churchwardens, and Sidemen, to present Offenders as oft as they shall think meet; and likewise, for any godly-disposed Person, or for any Ecclesiastical Judge, upon Knowledge or Notice given unto him or them of any enormous Crime within his Jurisdiction, to move the Minister, Churchwardens, or Sidemen, as they tender the Glory of God, and Reformation of Sin, to present the same, if they shall find sufficient Cause to induce them thereunto, that it may be in due Time punished and reformed. Provided, That for these voluntary Presentments there be no Fee required or taken of them, under the Pain aforesaid.

CXVII. *Churchwardens not to be troubled for not presenting oftener than Twice a Year.*

NO Churchwardens, Questmen, or Sidemen, shall be called or cited, but only at the said Time or Times before limited, to appear before any Ecclesiastical Judge whatsoever, for refusing at other Times to present any Faults committed in their Parishes, and punishable by Ecclesiastical

Constitutions and Canons Ecclesiastical. 67

cal Laws. Neither shall they, nor any of them, after their Presentments exhibited at any of those Times, be any farther troubled for the same, except upon manifest and evident Proof it may appear, that they did then willingly and wittingly omit to present some such publick Crime or Crimes as they knew to be committed, or could not be ignorant that there was then a publick Fame of them; or unless there be very just Cause to call them for the Explanation of their former Presentments. In which Case of wilful Omision, their Ordinaries shall proceed against them in such Sort, as in Causes of wilful Perjury in a Court Ecclesiastical it is already by Law provided.

CXVIII. *The old Churchwardens to make their Presentments before the new be sworn.*

THE Office of all Churchwardens and Sidemen shall be reputed ever hereafter to continue until the new Churchwardens that shall succeed them be sworn, which shall be the First Week after *Easter*, or some Week following, according to the Direction of the Ordinary: Which Time, so appointed, shall always be One of the Two Times in every Year, when the Minister and Churchwardens, and Sidemen, of every Parish shall exhibit to their severall Ordinaries the Presentments of such Enormities as have happened in their Parishes since their last Presentments. And this Duty they shall perform, before the newly-chosen Churchwardens and Sidemen be sworn, and shall not be suffered to pass over the said Presentments to those that are newly come into Office, and are by Intendment ignorant of such Crimes; under pain of those Censures, which are appointed for the Reformation of such Dalliers and Dispensers with their own Conciences and Oaths.

CXIX. *Convenient Time to be assigned for framing Presentments.*

FOR the avoiding of such Inconveniencies as heretofore have happened by the hasty making of Bills of Presentments upon the Days of the Visitation and Synods, it is ordered, That always hereafter, every Chancellor, Archdeacon, Commissary, and Official, and every other Person having Ecclesiastical Jurisdiction, at the ordinary Time when the Churchwardens are sworn; and the Archbishop and Bishops, when he or they do summon their Visitation, shall deliver, or cause to be delivered, to the Churchwardens, Questmen, and Sidemen, of every Parish, or to some of them, such Books of Articles, as they, or any of them, shall require, for the Year following, the said Churchwardens, Questmen, and Sidemen, to ground their Presentments upon,

68 Constitutions and Canons Ecclesiastical.

on, at such Times as they are to exhibit them. In which Book shall be contained the Form of the Oath which must be taken immediately before every such Presentment; to the Intent that having beforehand Time sufficient, not only to peruse and consider what their said Oath shall be, but the Articles also whereupon they are to ground their Presentments, they may frame them at Home both advisedly and truly, to the Discharge of their own Consciences, after they are sworn, as becometh honest and godly Men.

CXX. *None to be cited into Ecclesiastical Courts by Process of Quorum nomina.*

NO Bishop, Chancellor, Archdeacon, Official, or other Ecclesiastical Judge, shall suffer any general Processes of *Quorum nomina* to be sent out of his Court; except the Names of all such as thereby are to be cited, shall be first expressly entered by the Hand of the Register, or his Deputy, under the said Processes, and the said Processes and Names be first subscribed by the Judge, or his Deputy, and his Seal thereto affixed.

CXXI. *None to be cited into several Courts for one Crime.*

IN Places where the Bishop and Archdeacon do, by Prescription or Composition, visit at several Times in one and the same Year, lest for one and the self-same Fault any of His Majesty's Subjects should be challenged and molested in divers Ecclesiastical Courts; we order and appoint, That every Archdeacon, or his Official, within One Month after the Visitation ended that Year, and the Presentments received, shall certify, under his Hand and Seal, to the Bishop or his Chancellor, the Names and Crimes of all such as are detected and presented in his said Visitation, to the End the Chancellor shall thenceforth forbear to convent any Person for any Crime or Cause so detected or presented to the Archdeacon. And the Chancellor, within the like Time after the Bishop's Visitation ended, and Presentments received, shall, under his Hand and Seal, signify to the Archdeacon, or his Official, the Names and Crimes of all such Persons, which shall be detected or presented unto him in that Visitation, to the same Intent as is aforesaid. And if these Officers shall not certify each other as is here prescribed, or after such Certificate, shall intermeddle with the Crimes or Persons detected and presented in each others' Visitation; then every of them so offending, shall be suspended from all Exercise of his Jurisdiction, by the Bishop of the Diocese, until he shall repay the Costs and Expences which the Parties grieved have been at by that Vexation.

Constitutions and Canons Ecclesiastical. 69

CXXII. *No sentence of Deprivation or Deposition to be pronounced against a Minister, but by the Bishop.*

WHEN any Minister is complained of in any Ecclesiastical Court belonging to any Bishop of his Province, for any Crime, the Chancellor, Commissary, Official, or any other having Ecclesiastical Jurisdiction, to whom it shall appertain, shall expedite the Cause by Processes, and other Proceedings against him: And, upon Contumacy for not appearing, shall first suspend him; and afterward, his Contumacy continuing, excommunicate him. But if he appear, and submit himself to the Course of Law, then the Matter being ready for Sentence, and the Merits of his Offence exacting by Law either Deprivation from his Living, or Deposition from the Ministry, no such Sentence shall be pronounced by any Person whosoever, but only by the Bishop, with the Assistance of his Chancellor, the Dean, (if they may conveniently be had), and some of the Prebendaries, if the Court be kept near the Cathedral Church, or of the Archdeacon, if he may be had conveniently, and Two other, at the least, grave Ministers and Preachers, to be called by the Bishop, when the Court is kept in other Places.

CXXIII. *No Act to be sped but in open Court.*

NO Chancellor, Commissary, Archdeacon, Official, or any other Person using Ecclesiastical Jurisdiction whosoever, shall speed any judicial Act, either of Contentions or voluntary Jurisdiction, except he have the ordinary Register of that Court, or his lawful Deputy: Or if he or they will not, or cannot be present, then such Persons as by Law are allowed in that Behalf to right or Speed the same, under Pain of Suspension *ipso facto*.

CXXIV. *No Court to have more than one Seal.*

NO Chancellor, Commissary, Archdeacon, Official, or any other exercising Ecclesiastical Jurisdiction, shall, without the Bishop's Consent, have any more Seals than one, for the Sealing of all Matters incident to his Office: Which Seal shall always be kept either by himself, or by his lawful Substitute exercising Jurisdiction for him, and remaining within the Jurisdiction of the said Judge, or in the City or principal Town of the County. This Seal shall contain the Title of that Jurisdiction, which every of the said Judges or their Deputies, do execute.

CXXV. *Convenient Places to be chosen for the keeping of Courts.*

ALL Chancellors, Commissaries, Archdeacons, Officials, and all others exercising Ecclesiastical Jurisdiction, shall appoint such meet Places for the keeping of their Courts, by the Assignment or Approbation of the Bishop

70 Constitutions and Canons Ecclesiastical.

of the Diocese, as shall be convenient for Entertainment of those that are to make their Appearance there, and most indifferent for their Travel. And likewise they shall keep and end their Courts in such convenient Time, as every Man may return homewards in as due Season as may be.

CXXVI. *Peculiar and inferior Courts to exhibit the original Copies of Wills into the Bishop's Registry.*

WHEREAS Deans, Archdeacons, Prebendaries, Parsons, Vicars, and others exercising Ecclesiastical Jurisdiction, claim Liberty to prove the last Wills and Testaments of Persons deceased within their several Jurisdictions, having no known nor certain Registers, nor publick Place to keep their Records in; by reason whereof many Wills, Rights, and Legacies, upon the Death or Change of such Persons, and their private Notaries, miscarry and cannot be found, to the great Prejudice of His Majesty's Subjects; we therefore order and injoin, That all such Possessors and Exercisers of peculiar Jurisdiction shall, once in every Year, exhibit into the publick Registry of the Bishop of the Diocese, or of the Dean and Chapter, under whose Jurisdiction the said Peculiars are, every original Testament of every Person in that Time deceased, and by them proved in their several peculiar Jurisdictions, or a true Copy of every such Testament, examined, subscribed, and sealed, by the peculiar Judge and his Notary. Otherwise, if any of them fail so to do, the Bishop of the Diocese, or Dean and Chapter, unto whom the said Jurisdictions do respectively belong, shall suspend the said Parties, and every of them, from the Exercise of all such peculiar Jurisdiction, until they have performed this our Constitution.

Judges Ecclesiastical and their Surrogates.

CXXVII. *The Quality and Oath of Judges.*

NO Man shall hereafter be admitted a Chancellor, Commissary, or Official, to exercise any Ecclesiastical Jurisdiction, except he be of the full Age of six and twenty Years at the least, and one that is learned in the Civil and Ecclesiastical Laws, and is at the least a Master of Arts, or Bachelor of Law, and is reasonably well practised in the Course thereof, as likewise well-affected, and zealously bent to Religion, touching whose Life and Manners no evil Example is had; and except, before he enter into, or execute any such Office, he shall take the Oath of the King's Supremacy in the Presence of the Bishop, or in the open Court, and shall subscribe to the Articles of Religion agreed upon in the Convocation in the Year One thousand five hundred sixty and two; and shall also swear, that he will, to the uttermost of his Understanding, deal uprightly and justly in his Office, without Respect or Favour of Reward: The said Oaths and Subscription to be recorded by a Register then present. And likewise, all Chancellors, Commissaries, Officials, Registers, and all other that do now possess or execute any Places of Ecclesiastical Jurisdiction, or Service, shall, before *Christmas* next, in the Presence of the Archbishop or Bishop, or in open Court, under whom or where they exercise their Offices, take the same Oaths, and subscribe, as before is said; or upon Refusal so to do, shall be suspended from the Execution of their Offices, until they shall take the said Oaths, and subscribe, as aforesaid.

CXXVIII. *The Quality of Surrogates.*

NO Chancellor, Commissary, Archdeacon, Official, or any other Person using Ecclesiastical Jurisdiction, shall at any Time substitute in their Absence any to keep any Court for them, except he be either a grave Minister and a Graduate, or a licensed publick Preacher, and a beneficed Man, near the Place where the Courts are kept, or a Bachelor of Law, or a Master of Arts at least, who hath some Skill in the Civil and Ecclesiastical Law, and is a Favourer of true Religion, and a Man of modest and honest Conversation; under Pain of Suspension, for every Time that they offend therein, from the Execution of their Offices for the Space of Three Months, *toties quoties*: And he likewise that is deputed, being not qualified as is before expressed, and

72 Constitutions and Canons Ecclesiastical.

yet shall presume to be a Substitute to any Judge, and shall keep any Court, as is aforesaid, shall undergo the same Censure, in Manner and Form as is before expressed.

PROCTORS.

CXXIX. *Proctors not to retain Causes without the lawful Assignment of the Parties.*

NONE shall procure in any Cause whatsoever, unless he be thereunto constituted and appointed by the Party himself, either before the Judge, and by Act in Court, or unless, in the Beginning of the Suit, he be by a true and sufficient Proxy thereunto warranted and enabled. We call that Proxy sufficient, which is strengthened and confirmed by some authentical Seal, the Party's Approbation, or at least his Ratification therewithal concurring. All which Proxies shall be forthwith by the said Proctors exhibited into the Court, and be safely kept and preserved by the Register in the publick Registry of the said Court. And if any Register or Proctor shall offend herein, he shall be seclused from the Exercise of his Office for the Space of Two Months, without Hope of Release or Restoring.

CXXX. *Proctors not to retain Causes without the Counsel of an Advocate.*

FOR lessening and abridging the Multitude of Suits and Contentions, as also for preventing the Complaints of Suitors in Courts Ecclesiastical; who many Times are overthrowen by the Oversight and Negligence, or by the Ignorance and Insufficiency of Proctors; and likewise for the Furtherance and Increase of Learning, and the Advancement of Civil and Canon Law, following the laudable Customs heretofore observed in the Courts pertaining to the Archbishop of Canterbury, we will and ordain, That no Proctor exercising in any of them shall entertain any Cause whatsoever, and keep and retain the same for Two Court-days, without the Counsel and Advice of an Advocate, under Pain of a Year's Suspension from his Practice; neither shall the Judge have Power to release or mitigate the said Penalty, without expresse Mandate and Authority from the Archbishop aforesaid.

CXXXI. *Proctors not to conclude in any Cause without the Knowledge of an Advocate.*

NO Judge in any of the said Courts of the Archbishop shall admit any Libel, or any other Matter, without the Advice of an Advocate admitted to practise in the same

Constitutions and Canons Ecclesiastical. 73

same Court, or without his Subscription; neither shall any Proctor conclude any Cause depending, without the Knowledge of the Advocate retained and fee'd in the Cause: Which if any Proctor shall do, or procure to be done, or shall by any Colour whatsoever defraud the Advocate of his Duty or Fee, or shall be negligent in repairing to the Advocate, and requiring his Advice, what Course is to be taken in the Cause, he shall be suspended from all Practice for the Space of Six Months, without Hope of being thereunto restored, before the said Term be fully complete.

CXXXII. *Proctors prohibited the Oath In Animam Domini sui.*

FOrasmuch as in the Probate of Testaments, and Suits for Administration of the Goods of Persons dying intestate, the Oath usually taken by Proctors of Courts *In Animam constituentis* is found to be inconvenient; we do therefore decree and ordain, That every Executor, or Suitor for Administration, shall personally repair to the Judge in that Behalf, or his Surrogate, and in his own Person (and not by Proctor) take the Oath accustomed in these Cases. But if by reason of Sickness, or Age, or any other just Let or Impediment, he be not able to make his personal Appearance before the Judge, it shall be lawful for the Judge (there being Faith first made by a credible Person, of the Truth of his said Hinderance or Impediment) to grant a Commission to some grave Ecclesiastical Person, abiding near the Party aforesaid, whereby he shall give Power and Authority to the said Ecclesiastical Person, in his Stead, to minister the accustomed Oath above mentioned to the Executor, or Suitor for such Administration; requiring his said Substitute, that, by a faithful and trusty Messenger, he certify the said Judge truly and faithfully what he hath done therein. Lastly, we ordain and appoint, That no Judge or Register shall in any wise receive for the writing, drawing, or sealing of any such Commission, above the Sum of Six Shillings and Eight-pence; whereof One Moiety to be for the Judge, and the other for the Register of the said Court.

CXXXIII. *Proctors not to be clamorous in Court.*

FOrasmuch as it is found by Experience, that the loud and confused Cries and Clamours of Proctors in the Courts of the Archbishop, are not only troublesome and offensive to the Judges and Advocates, but also give Occasion to the Standers-by of Contempt and Calumny toward the Court itself; that more Respect may be had to the Dignity of the Judge, than heretofore, and that Causes may more easily

74 Constitutions and Canons Ecclesiastical.

easily and commodiously be handled and dispatched, we charge and enjoin, That all Proctors in the said Courts do especially intend, that the Acts be faithfully entered and set down by the Register, according to the Advice and Direction of the Advocate; that the said Proctors refrain loud Speech and Brabbling, and behave themselves quietly and modestly; and that when either the Judges or Advocates, or any of them, shall happen to speak, they presently be silent, upon Pain of silencing for Two whole Terms then immediately following every such Offence of theirs. And if any of them shall the second Time offend herein, and after due Monition shall not reform himself, let him be for ever removed from his Practice.

R E G I S T E R S.

CXXXIV. *Abuses to be reformed in Registers.*

IF any Register, or his Deputy, or Substitute whatsoever, shall receive any Certificate without the Knowledge and Consent of the Judge of the Court, or willingly omit to cause any Person cited to appear upon any Court-day, to be called, or unduly put off, and defer the Examination of Witnesses to be examined by a Day set and assigned by the Judge, or do not obey and observe the judicial and lawful Monition of the said Judge, or omit to write, or cause to be written, such Citations and Decrees as are to be put in Execution, and set forth before the next Court-day, or shall not cause all Testaments exhibited into his Office to be registered within a convenient Time, or shall set down or enact, as decreed by the Judge, any Thing false, or conceited by himself, and not so ordered or decreed by the Judge, or in the Transmission of Processess to the Judge *ad quem*, shall add or insert any Falsehood or Untruth, or omit any Thing therein, either by Cunning, or by gross Negligence, or in Causes of Instance, or promoted of Office, shall receive any Reward in Favour of either Party, or be of Counsel directly or indirectly with either of the Parties in Suit, or in the Execution of their Office shall do ought else maliciously, or fraudulently, whereby the said Ecclesiastical Judge, or his Proceedings, may be slandered or defamed; we will and ordain, That the said Register, or his Deputy, or Substitute, offending in all, or any of the Premises, shall by the Bishop of the Diocese be suspended from the Exercise of his Office for

Constitutions and Canons Ecclesiastical. 75

for the Space of one, two, or three Months, or more, according to the Quality of his Offence; and that the said Bishop shall assign some other publick Notary to execute and discharge all Things pertaining to his Office, during the Time of his said Suspension.

CXXXV. *A certain Rate of Fees due to all Ecclesiastical Officers.*

NO Bishop, Suffragan, Chancellor, Commissary, Archdeacon, Official, nor any other exercising Ecclesiastical Jurisdiction whatsoever, nor any Register of any Ecclesiastical Courts, nor any Minister belonging to any of the said Officers or Courts, shall hereafter, for any Cause incident to their several Offices, take or receive any other or greater Fees, than such as were certified to the most Reverend Father in God, *John* late Archbishop of *Canterbury*, in the Year of our Lord God One thousand five hundred ninety and seven, and were by him ratified and approved; under Pain that every such Judge, Officer, or Minister offending herein, shall be suspended from the Exercise of their several Offices for the Space of Six Months for every such Offence. Always provided, That if any Question shall arise concerning the Certainty of the said Fees, or any of them, then those Fees shall be held for lawful which the Archbishop of *Canterbury* for the Time being shall under his Hand approve, except the Statutes of this Realm before made do in any particular Case expresse some other Fees to be due. Provided furthermore, That no Fee or Money shall be received, either by the Archbishop, or any Bishop, or Suffragan, either directly or indirectly, for admitting of any into sacred Orders; nor that any other Person or Persons under the said Archbishop, Bishop, or Suffragan shall, for Parchment, Writing, Wax, Sealing, or any other Respect thereunto appertaining, take above Ten Shillings, under such Pains as are already by Law prescribed.

CXXXVI. *A Table of the Rates and Fees to be set up in Courts and Registries.*

WE do likewise constitute and appoint, That the Registers belonging to every such Ecclesiastical Judge, shall place two Tables, containing the several Rates and Sums of all the said Fees; one in the usual Place or Consistory where the Court is kept, and the other in his Registry; and both of them in such Sort, as every Man, whom it concerneth, may without Difficulty come to the View and Perusal thereof, and take a Copy of them: The same Tables to be set up before the Feast of the Nativity next ensuing. And if any Register shall fail to place the said Tables according to the Tenor hereof,

76 Constitutions and Canons Ecclesiastical.

hereof, he shall be suspended from the Execution of his Office, until he cause the same to be accordingly done: And the said Tables being once set up, if he shall at any Time remove, or suffer the same to be removed, hidden, or any Way hindered from Sight, contrary to the true Meaning of this Constitution, he shall, for every such Offence, be suspended from the Exercise of his Office for the Space of Six Months.

CXXXVII. *The whole Fees for shewing Letters of Orders, and other Licences, due but once in every Bishop's Time.*

FOrasmuch as the chief and principal Cause and Use of Visitation is, that the Bishop, Archdeacon, or other assigned to visit, may get some good Knowledge of the State, Sufficiency, and Ability of the Clergy, and other Persons whom they are to visit; we think it convenient, that every Parson, Vicar, Curate, Schoolmaster, or other Person licensed whatsoever, do, at the Bishop's first Visitation, or at the next Visitation after his Admission, shew and exhibit unto him his Letters of Orders, Institution, and Induction, and all other his Dispensations, Licences, or Faculties whatsoever, to be by the said Bishop either allowed, or (if there be just Cause) disallowed and rejected; and being by him approved, to be, as the Custom is, signed by the Register; and that the whole Fees accustomed to be paid in the Visitations, in respect of the Premises, be paid only once in the whole Time of every Bishop, and afterwards, but Half of the said accustomed Fees in every other Visitation, during the said Bishop's Continuance.

A P P A R I T O R S.

CXXXVIII. *The Number of Apparitors restrained.*

FOrasmuch as we are desirous to redress such Abuses and Aggrievances as are said to grow by Somners or Apparitors; we think it meet that the Multitude of Apparitors be (as much as is possible) abridged or restrained: Wherefore we decree and ordain, That no Bishop or Archdeacon, or their Vicars or Officials, or other inferior Ordinaries, shall depute or have more Apparitors to serve in their Jurisdictions respectively, than either they or their Predecessors were accustomed to have Thirty Years before the publishing of these our present Constitutions. All which Apparitors shall by themselves faithfully execute their

Constitutions and Canons Ecclesiastical. 77.

their Offices; neither shall they, by any Colour or Pretence whatsoever, cause or suffer their Mandates to be executed by any Messengers or Substitutes, unless it be upon some good Cause, to be first known and approved by the Ordinary of the Place. Moreover, they shall not take upon them the Office of Promoters or Informers for the Court, neither shall they exact more or greater Fees than are in these our Constitutions formerly prescribed. And if either the Number of the Apparitors deputed shall exceed the aforesaid Limitation, or any of the said Apparitors shall offend in any of the Premises; the Persons deputing them, if they be Bishops, shall, upon Admonition of their Superior, discharge the Persons exceeding the Number so limited; if inferior Ordinaries, they shall be suspended from the Execution of their Office, until they have dismissed the Apparitors by them so deputed; and the Parties themselves so deputed, shall for ever be removed from the Office of Apparitors: And if, being so removed, they desist not from the Exercise of their said Offices, let them be punished by Ecclesiastical Censures, as Persons contumacious. Provided, That if upon Experience the Number of the said Apparitors be too great in any Diocese, in the Judgement of the Archbishop of *Canterbury* for the Time being, they shall by him be so abridged as he shall think meet and convenient.

Authority of SYNODS.

CXXXIX. *A national Synod the Church Representative.*

WHosoever shall hereafter affirm, That the sacred Synod of this Nation, in the Name of Christ, and by the King's Authority assembled, is not the true Church of *England* by Representation; let him be excommunicated, and not restored, until he repent, and publicly revoke that his wicked Error.

CXL. *Synods conclude as well the absent as the present.*

WHosoever shall affirm, That no Manner of Person, either of the Clergy or Laity, not being themselves particularly assembled in the said sacred Synod, are to be subject to the Decrees thereof in Causes Ecclesiastical, (made and ratified by the King's Majesty's Supreme Authority) as not having given their Voices unto them; let him be excommunicated, and not restored, until he repent, and publicly revoke that his wicked Error.

CXLI. *Depravours*

78 Constitutions and Canons Ecclesiastical.

CXLI. *Deprovers of the Synod censured.*

WHosoever shall hereafter affirm, That the sacred Synod, assembled as aforesaid, was a Company of such Persons as did conspire together against godly and religious Professors of the Gospel; and that therefore both they, and their Proceedings, in making of Canons and Constitutions in Causes Ecclesiastical, by the King's Authority, as aforesaid, ought to be despised and contemned, the same being ratified, confirmed, and enjoined by the said regal Power, Supremacy, and Authority; let them be excommunicated, and not restored, until they repent, and publickly revoke that their wicked Error.



E, of Our Princely Inclination, and Royal Care for the Maintenance of the present Estate and Government of the Church of England, by the Laws of this Our Realm now settled and established, having diligently, with great Contentment and Comfort, read and considered of all these ~~their~~ said Canons, Orders, Ordinances, and Constitutions, agreed upon, as is before expressed; and finding the same such, as We are persuaded will be very profitable, not only to Our Clergy, but to the whole Church of this Our Kingdom, and to all the true Members of it, if they be well observed; have therefore, for Us, Our Heirs, and lawful Successors, of Our especial Grace, certain Knowledge, and meer Motion, given, and by these Presents do give Our Royal Assent, according to the Form of the said Statute or Act of Parliament aforesaid, to all and every of the said Canons, Orders, Ordinances, and Constitutions, and to all and every Thing in them contained, as they are before written.

And furthermore, We do not only by Our said Prerogative Royal and Supreme Authority in Causes Ecclesiastical, ratify, confirm, and establish, by these Our Letters Patents, the said Canons, Orders, Ordinances, and Constitutions, and all and every Thing in them contained, as is aforesaid; but do likewise propound, publish, and straightway enjoin and command, by Our said Authority, and by these Our Letters Patents, the same to be diligently observed, executed, and equally kept by all Our loving Subjects of this Our Kingdom, both within the Province of *Canterbury* and *York*, in all Points wherein they do or may concern every or any of them, according to this Our Will and Pleasure hereby signified and expressed: And that likewise, for the better Observation of them, every Minister, by what Name or Title soever he be called, shall, in the Parish Church or Chapel where he hath Charge, read all the said Canons, Orders, Ordinances, and Constitutions, once every Year, upon some *Sundays* or Holydays, in the Afternoon, before Divine Service, dividing the same in such Sort, as that the One Half may be read one Day, and the other another Day. The Book of the said Canons to be provided at the Charge of the Parish, betwixt this and the Feast of the Nativity of our Lord God next ensuing: Straitly charging and commanding all Archbishops, Bishops, and all other that exercise any Ecclesiastical Jurisdiction within this Realm, every Man in his Place, to see and procure (so much as in them lieth) all and every of the same Canons, Orders, Ordinances, and

and Constitutions to be in all Points duly observed; not sparing to execute the Penalties in them severally mentioned, upon any that shall wittingly or willfully break, or neglect to observe the same, as they tender the Honour of God, the Peace of the Church, the Tranquillity of the Kingdom, and their Duties and Service to Us their King and Sovereign.

In witness, &c.

THE TABLE.

Of the Church of ENGLAND.

| | |
|--|---------|
| T HE King's Supremacy over the Church of England, in Causes Ecclesiastical, to be maintained. | Page 19 |
| 2 Impugners of the King's Supremacy censured. | 20 |
| The Church of England a true and Apostolical Church. | ib. |
| Impugners of the publick Worship of God established in the Church of England, censured. | ib. |
| Impugners of the Articles of Religion, established in the Church of England, censured. | 21 |
| Impugners of the Rights and Ceremonies, established in the Church of England, censured. | ib. |
| Impugners of the Government of the Church of England by Archbishops, Bishops, &c. censured. | ib. |
| Impugners of the Form of Consecrating and Ordering Archbishops, Bishops, &c. in the Church of England, censured. | ib. |
| Authors of Schism, in the Church of England, censured. | 22 |
| Maintainers of Schismatics, in the Church of England, censured. | ib. |
| Maintainers of Conventicles censured. | ib. |
| Maintainers of Constitutions made in Conventicles, censured. | ib. |

Of Divine Service and Administration of the Sacraments.

| | |
|--|-------------|
| 3 D UE Celebration of Sundays and Holydays. | 23 |
| 14 The prescript Form of Divine Service to be used on Sundays and Holydays. | ib. |
| 15 The Litany to be read on Wednesdays and Fridays. | ib. |
| 16 Colleges to use the prescript Form of Divine Service. | 24 |
| 17 Students in Colleges to wear Surplices in Time of Divine Service. | ib. |
| 18 A Reverence and Attention to be used within the Church in Time of Divine Service. | ib. |
| 19 Loiterers not to be suffered near the Church in Time of Divine Service. | 25 |
| 20 Bread and Wine to be provided against every Communion. | ib. |
| 21 The Communion to be thrice a Year received. | ib. |
| 22 Warning to be given beforehand for the Communion. | ib. |
| F | 23 Students |

- 23 *Students in Colleges to receive the Communion four Times a Year.* Page 21
 24 *Copes to be worn in Cathedral Churches by those that Administer the Communion.* ib.
 25 *Surplices and Hoods to be worn in Cathedral Churches, when there is no Communion.* ib.
 26 *Notorious Offenders not to be admitted to the Communion.* 27
 27 *Schismatics not to be admitted to the Communion.* ib.
 28 *Strangers not to be admitted to the Communion.* 28
 29 *Parents not to be Sponsors in Baptism, nor Persons who have not been Communicants.* ib.
 30 *The lawful Use of the Cross in Baptism explained.* ib.

Ministers their Ordination, Function, and Charge.

- 31 *FOUR solemn Times appointed for the making of Ministers.* 31
 32 *None to be made Deacon and Minister both in one Day* ib.
 33 *The Titles of such as are to be made Ministers.* 32
 34 *The Quality of such as are to be made Ministers.* ib.
 35 *The Examination of such as are to be made Ministers.* 33
 36 *Subscription required of such as are to be made Ministers.* ib.

The Articles of Subscription.

The Form of Subscription.

- 37 *Subscription before the Diocesan.* 34
 38 *Revolters after Subscription censured.* ib.
 39 *Cautions for Institution of Ministers into Benefices.* 35
 40 *An Oath against Simony at Institution into Benefices.* ib.
 41 *Licences for Plurality of Benefices limited, and Residence enjoined,* ib.
 42 *Residence of Deans in their Churches.* 36
 43 *Deans and Prebendaries to preach during their Residence.* ib.
 44 *Prebendaries to be resident upon their Benefices.* 37
 45 *Beneficed Preachers being resident upon their Livings, to preach every Sunday.* ib.
 46 *Beneficed Men, not Preachers, to procure Monthly Sermons.* ib.
 47 *Absence of beneficed Men to be supplied by Curates that are allowed Preachers.* 38
 48 *None to be Curates but allowed by the Bishop.* ib.
 49 *Ministers, not allowed Preachers, may not expound.* ib.
 50 *Strangers not admitted to preach without shewing their Licence.* ib.

THE TABLE.

83

| | | |
|----|--|---------|
| 51 | Strangers not admitted to preach in Cathedral Churches without sufficient Authority. | Page 39 |
| 52 | The Names of strange Preachers to be noted in a Book. | ib. |
| 53 | No publick Opposition between Preachers. | ib. |
| 54 | The Licences of Preachers refusing Conformity, to be void. | 40 |
| 55 | The Form of a Prayer to be used by all Preachers before their Sermons. | ib. |
| 56 | Preachers and Lecturers to read Divine Service, and administer the Sacraments twice a Year at the least. | 41 |
| 57 | The Sacraments not to be refused at the Hands of un-dressing Ministers. | ib. |
| 58 | Ministers reading Divine Service, and administering the Sacraments, to wear Surplices, and Graduats therewithal Hoods. | 42 |
| 59 | Ministers to catechize every Sunday. | ib. |
| 60 | Confirmation to be performed once in three Years. | 43 |
| 61 | Ministers to prepare Children for Confirmation. | ib. |
| 62 | Ministers not to marry any Persons without Banns or Licence. | ib. |
| 63 | Ministers of exempt Churches not to marry without Banns or Licence. | 44 |
| 64 | Ministers solemnly to bid Holydays. | ib. |
| 65 | Ministers solemnly to denounce Recusants and Excommunicates. | ib. |
| 66 | Ministers to confer with Recusants. | 45 |
| 67 | Ministers to visit the Sick. | ib. |
| 68 | Ministers not to refuse to christen or bury. | 46 |
| 69 | Ministers not to defer Christening, if the Child be in Danger. | ib. |
| 70 | Ministers to keep a Register of Christenings, Weddings, and Burials. | ib. |
| 71 | Ministers not to preach or administer the Communion in private Houses. | 47 |
| 72 | Ministers not to appoint publick or private Fasts or Prophecies, or to exorcise, but by Authority. | 48 |
| 73 | Ministers not to hold private Conventicles. | ib. |
| 74 | Decency in Apparel enjoined to Ministers. | ib. |
| 75 | Sober Conversation required in Ministers. | 49 |
| 76 | Ministers at no Time to forsake their Calling. | 50 |

Schoolmasters.

| | | |
|------|--|-----|
| NONE | to teach School without Licence. | ib. |
| 78 | Curates desirous to teach, to be licensed before others. | ib. |
| | The Duty of Schoolmasters. | 51 |

Things appertaining to Churches.

- 80 *THE Great Bible, and Book of Common Prayer, to be had in every Church.* Page 51
 81 *A Font of Stone for Baptism in every Church.* ib.
 82 *A decent Communion Table in every Church.* 52
 83 *A Pulpit to be provided in every Church.* ib.
 84 *A Chest for Alms in every Church.* ib.
 85 *Churches to be kept in sufficient Reparations.* 53
 86 *Churches to be surveyed, and the Decays certified to the High Commissioners.* ib.
 87 *A Terrier of Glebe-lands, and other Possessions belonging to Churches.* 54
 88 *Churches not to be prophaned.* ib.

Churchwardens, Questmen, and Sidemen.

- 89 *THE Choice of Churchwardens, and their Account.* ib.
 90 *The Choice of Sidemen, and their joint Office with Church-wardens.* 55

Parish Clerks.

- 91 *PARISH Clerks to be chosen by the Minister.* ib.

Ecclesiastical Courts belonging to the Archbishops' Jurisdiction.

- 92 *NONE to cited into divers Courts for Probate of the same Will.* 56
 93 *The Rate of Bona Notabilia liable to the Prerogative Court.* 57
 94 *None to be cited into the Arches or Audience, but dwellers within the Archbishop's Diocese, or Peculiars.* 58
 95 *The Restraint of Double Quarrels.* ib.
 96 *Inhibitions not to be granted without the Subscription of an Advocate.* 59
 97 *Inhibitions not to be granted until the Appeal be exhibited to the Judge.* ib.
 98 *Inhibitions not to be granted to factious Appellants, unless they first subscribe.* 60
 99 *None to marry within the Degrees prohibited.* ib.
 100 *None to marry under Twenty-one Years, without their Parents' Consent.* ib.
 101 *By whom Licences to marry without Banns shall be granted, and to what Sort of Persons.* ib.

THE TABLE.

85

- 102 *Security to be taken at the granting of such Licences, and under what Conditions.* Page 61
 103 *Oaths to be taken for the Conditions.* ib.
 104 *An Exception for those that are in Widowhood.* 62
 105 *No Sentence of Divorce to be given upon the sole Confession of the Parties.* ib.
 106 *No Sentence for Divorce to be given, but in open Court.* ib.
 107 *In all Sentences for Divorce, Bond to be taken for not marrying, during each other's life.* 63
 108 *The Penalty for Judges offending in the Premises.* ib.

Ecclesiastical Courts belonging to Bishops and inferior Ordinaries, and the Proceedings in them.

- 109 *Notorious Crimes and Scandals to be certified into Ecclesiastical Courts by Presentment.* ib.
 110 *Schismatics to be presented.* ib.
 111 *Disturbers of Divine Service to be presented* 64
 112 *Not Communicants at Easter to be presented.* ib.
 113 *Ministers may present.* ib.
 114 *Ministers shall present Recusants.* 65
 115 *Ministers and Churchwardens not to be sued for presenting.* ib.
 116 *Churchwardens not bound to present oftner than twice a Year.* 66
 117 *Churchwardens not to be troubled for not presenting oftner than twice a Year.* ib.
 118 *The old Churchwardens to make their Presentments before the new be sworn.* 67
 119 *Convenient Time to be assigned for framing Presentments.* ib.
 120 *None to be cited into Ecclesiastical Courts by Process of Quorum nomina.* 68
 121 *None to be cited into several Courts for one Crime.* ib.
 122 *No Sentence of Deprivation or Deposition to be pronounced against a Minister but by the Bishop.* 69
 123 *No Act to be sped but in open Court.* ib.
 124 *No Court to have more than one Seal.* ib.
 125 *Convenient Places to be chosen for the keeping of open Courts.* 70
 126 *Peculiar and inferior Courts to exhibit the original Copies of Wills into the Bishop's Registry.* ib.

Judges of Ecclesiastical Courts.

- 127 *THE Quality and Oath of Judges.* 71
 128 *The Quality of Surrogates.* ib.
 F 3 Proctors.

Proctors.

- 129 *Proctors not to retain Causes without the lawful Assign-
ment of the Parties.* Page 72
 130 *Proctors not to retain Causes without the Counsel of an
Advocate.* ib.
 131 *Proctors not to conclude in any Cause without the Know-
ledge of an Advocate.* ib.
 132 *Proctors prohibited the Oath In Animam Domini sui.* 73
 133 *Proctors not to be clamorous in Court.* ib.

Registers.

- 134 *Abuses to be reformed in Registers.* 74
 135 *A certain Rate of Fees due to all Ecclesiastical
Officers.* 75
 136 *A Table of the Rates and Fees to be set up in Courts
and Registries.* ib.
 137 *The whole Fees for shewing Letters of Orders, and other
Licences, due but once in every Bishop's Time.* 76

Apparitors.

- 138 *THE Number of Apparitors restrained.* ib.

Authority of Synods.

- 139 *A National Synod the Church Representative.* 77
 140 *Synods conclude as well the Absent as the present.* ib.
 141 *Depravers of the Synod censured.* 78

An ADMONITION to all such as shall intend hereafter to enter the State of Matrimony Godly and Agreeably to LAWS.

First, That they Contract not with such Persons as be hereafter expressed, nor with any of like Degree, against the Law of God, and the Laws of the Realm. **M**arriage is honourable among all Men, and the bed undefiled. But Whoremongers and Adulterers God will judge. Heb. xiii. 4.

Secondly, That they make no secret Contracts, without Consent or Counsel of their Parents or Elders, under whose Authority they be, contrary to God's Laws and Man's Ordinances. *To avoid Fornication, let every Man have his Wife, and let every Woman have her Husband. He that cannot contain, let him marry: For better it is to marry than to burn. 1 Cor. vii. 2, 9.*

Thirdly, That they contract not anew with any other upon Divorce and Separation made by the Judge for a Time, the Laws yet standing to the Contrary. *Unto the married I command, not I, but the Lord: Let not the Wife depart from her Husband; but if she depart, let her remain unmarried, or be reconciled unto her Husband. And let not the Husband put away his Wife. 1 Cor. vii. 10, 11.*

IT is to be noted, That those Persons which be in the direct Line ascendent and descendent, cannot marry together, although they be never so far asunder in Degree.

II. It is also to be noted, That Consanguinity and Affinity (letting and dissolving Matrimony) is contracted as well in them and by them which be of Kindred by the one Side, as in and by them which be of Kindred by both Sides.

III. *Item*, That by the Laws, Consanguinity and Affinity (letting and dissolving Matrimony) is contracted as well by unlawful Company of Man and Woman, as by lawful Marriage.

IV. *Item*, In contracting betwixt Persons doubtful, which be not expressed in this Table, it is most sure, first to consult with Men learned in the Laws, to understand what is lawful, what is honest and expedient, before the finishing of their Contracts.

V. *Item*, That no Parson, Vicar, or Curate, shall solemnize Matrimony out of his or their Cure, or Parish Church

or Chapel, and shall not solemnize the same in private Houses, nor lawless and exempt Churches, under the Pains of the Law forbidding the same. And that the Curate have their Certificates, when the Parties dwell in divers Parishes.

VI. *Item*, The Banns of Matrimony ought to be openly denounced in the Church by the Minister three several *Sundays* or *Festival Days*, to the End that who will and can alledge any Impediment, may be heard, and that Stay may be made till further Trial, if any Exception be made there against it, upon sufficient Caution.

VII. *Item*, Who shall maliciously object a frivolous Impediment against a lawful Matrimony to disturb the same, is subject to the Pains of the Law.

VIII. *Item*, Who shall presume to contract in the Degrees prohibited, (though he do it ignorantly) besides that the Fruit of such Copulation may be judged unlawful, is also punishable at the Ordinary's Discretion.

IX. If any Minister shall conjoin any such, or shall be present at such Contracts making, he ought to be suspended from his Ministry for Three Years: and otherwise to be punished according to the Laws.

X *Item*, It is further ordained, That no Parson, Vicar, nor Curate, do preach, treat, or expound, of his own voluntary Invention, any Matter of Controversy in the Scriptures, if he be under the Degree of a Master of Arts, except he be licensed by his Ordinary thereunto, but only for the Instruction of the People read the Homilies already set forth, and such other Form of Doctrine as shall be hereafter by Authority published: And shall not innovate nor alter any Thing in the Church, or use any old Rite or Ceremony, which be not set forth by publick Authority.

* By the Act passed in 1753, It was enacted that Banns should be published on Sundays only. None

None shall come near to any of the Kindred of his Flesh to uncover their Shame: I am the Lord. *Levit. xviii. 6.*

A Man may not marry his

| | | |
|---|---|--------------------------------|
| <i>Secundus gradus in linea recta ascendente,</i> | | |
| Con. | Avia, | 1 Grandmother, |
| af. | Avi Relicta, | 2 Grandfather's Wife, |
| af. | Profocrus, vel Socrus magna. | 3 Wife's Grandmother. |
| <i>Secundus gradus inæqualis in linea transversali ascendente.</i> | | |
| Con. | Amita, | 4 Father's Sister, |
| Con. | Matertera, | 5 Mother's Sister, |
| af. | Patru Relicta, | 6 Father's Brother's Wife, |
| af. | Avunculi Relicta, | 7 Mother's Brother's Wife, |
| af. | Amita Uxoris, | 8 Wife's Father's Sister, |
| af. | Matertera Uxoris. | 9 Wife's Mother's Sister. |
| <i>Primus gradus in linea recta ascendente,</i> | | |
| Con. | Mater, | 10 Mother, |
| af. | Noverca | 11 Step-Mother, |
| af. | Socrus. | 12 Wife's Mother. |
| <i>Primus gradus in linea recta descendente.</i> | | |
| Con. | Filia, | 13 Daughter, |
| af. | Privigna, | 14 Wife's Daughter, |
| af. | Nurus. | 15 Son's Wife. |
| <i>Primus gradus æqualis in linea transversali.</i> | | |
| Con. | Soror, | 16 Sister, |
| af. | Soror Uxoris, | 17 Wife's Sister, |
| af. | Fratri Relicta. | 18 Brother's Wife. |
| <i>Secundus gradus in linea recta descendente.</i> | | |
| Con. | Neptis ex Filio, | 19 Son's Daughter, |
| af. | Neptis ex Filia, | 20 Daughter's Daughter, |
| af. | Pronurus, i. e. Relicta Nepotis ex Filio, | 21 Son's Son's Wife, |
| af. | Pronurus, i. e. Relicta Nepotis ex Filia, | 22 Daughter's Son's Wife, |
| af. | Privigni Filia. | 23 Wife's Son's Daughter, |
| af. | Privignæ Filia. | 24 Wife's Daughter's Daughter. |
| <i>Secundus gradus inæqualis in linea transversali descendente.</i> | | |
| Con. | Neptis ex Fratre, | 25 Brother's Daughter, |
| Con. | Neptis ex Sorore, | 26 Sister's Daughter, |
| af. | Nepotis ex Fratre Relicta, | 27 Brother's Son's Wife, |
| af. | Nepotis ex Sorore Relicta, | 28 Sister's Son's Wife, |
| af. | Neptis Uxoris ex Fratre, | 29 Wife's Brother's Daughter, |
| af. | Neptis Uxoris ex Sorore, | 30 Wife's Sister's Daughter. |

A Woman

Degrees of Marriage.

A Woman may not marry with her

| | | |
|---|--------------------------------|-----------------------------------|
| <i>Secundus gradus in linea recta ascendente.</i> | | |
| Con. | Avus, | 1 Grandfather, |
| af. | Aviæ Relictus, | 2 Grandmother's Husband, |
| af. | Prosocer, vel Socer magnus. | 3 Husband's Grandfather. |
| <i>Secundus gradus inæqualis in linea transversali ascendente.</i> | | |
| Con. | Patruus, | 4 Father's Brother, |
| Con. | Avunculus, | 5 Mother's Brother, |
| af. | Amitæ Relictus, | 6 Father's Sister's Husband, |
| af. | Materteræ Relictus, | 7 Mother's Sister's Husband, |
| af. | Patruus Mariti, | 8 Husband's Father's Brother, |
| af. | Avunculus Mariti. | 9 Husband's Mother's Brother. |
| <i>Primus gradus in linea recta ascendente.</i> | | |
| Con. | Pater, | 10 Father, |
| af. | Vitricus, | 11 Step-Father, |
| af. | Socer. | 12 Husband's Father. |
| <i>Primus gradus in linea recta descendente.</i> | | |
| Con. | Filius, | 13 Son, |
| af. | Privignus, | 14 Husband's Son, |
| af. | Gener. | 15 Daughter's Husband. |
| <i>Primus gradus æqualis in linea transversali.</i> | | |
| Con. | Frater, | 16 Brother, |
| af. | Lévir, | 17 Husband's Brother, |
| af. | Sororis Relictus. | 18 Sister's Husband. |
| <i>Secundus gradus in linea recta descendente.</i> | | |
| Con. | Nepos ex Filio, | 19 Son's Son, |
| Con. | Nepos ex Filia, (tis ex Filio, | 20 Daughter's Son, |
| af. | Progener, i. e. Relictus Nep- | 21 Son's Daughter's Husband. |
| af. | Progener, i. e. Relictus Nep- | 22 Daughter's Daughter's Husband, |
| af. | tis ex Filia, | 23 Husband's Son's Son, |
| af. | Privigni Filius, | 24 Husband's Daughter's Son. |
| af. | Privignæ Filius. | |
| <i>Secundus gradus inæqualis in linea transversali descendente.</i> | | |
| Con. | Nepos ex Fratre, | 25 Brother's Son, |
| Con. | Nepos ex Sorore, | 26 Sister's Son, |
| af. | Neptis ex Fratre Relictus, | 27 Brother's Daughter's Husband, |
| af. | Neptis ex Sorore Relict. | band, |
| af. | Leviri Filius, i. e. Nepos | 28 Sister's Daughter's Husband, |
| af. | Mariti ex Fratre, | 29 Husband's Brother's Son, |
| af. | Gloris Filius, i. e. Nepos | 30 Husband's Sister's Son. |
| | Mariti ex Sorore. | |

Set forth by the most Reverend Father in God, Matthew Parker,
Archbishop of Canterbury, Primate of England and Metropo-
litan. 1563.

INJUNCTIONS

INJUNCTIONS given by the King's Majesty to the Archbishops of this Realm, to be communicated by them to the Bishops, and the rest of the Clergy. *Anno Dom. 1694.*

To the most Reverend Father in God, Our Right Trusty and Right entirely beloved Counsellor, *Thomas* Lord Archbishop of *Canterbury*; and to the most Reverend Father in God, *John* Lord Archbishop of *York*.

WILLIAM R.



O S T Reverend Father in God, Our Right Trusty and Right entirely beloved Counsellor, and most Reverend Father in God, We greet you well. We being very sensible, That nothing can more effectually conduce to the Honour and Glory of God, and the Support of the Protestant Religion, than the protecting and maintaining of the Church of *England*, as it is by Law established; which We are resolved to do to the utmost of Our Power; have therefore, upon mature Deliberation with you and other Our Bishops, by virtue of Our Royal and Supreme Authority, thought fit, with the Advice of Our Privy Council, to ordain and publish the following Injunctions.

I, That

An. Do.
1603.

I. **T**HAT the Thirty-fourth and Thirty-fifth Canons concerning Ordinations be strictly observed.

II. That every Person to be admitted to Holy Orders, do signify his Name and the Place of his Abode to the Bishop Fourteen Days before he is ordained, to the End that Enquiry may be made into his Life and Conversation. And that he appear at the furthest on *Thursday in Ember-week*, that so such, who upon Examination shall be found fit, may have Time to prepare themselves by Fasting and Prayer, before the Day of Ordination.

An. Do.
1603.

III. That every Bishop shall be well satisfied, that all Persons that are to be ordained have a real Title, with a sufficient Maintenance, according to the *Thirty-third Canon*, in which Matter We require the Bishops to use an especial Care.

IV. That a Certificate of the Age of the Person to be ordained be brought, if it can be, out of the Parish Register, or at least a Certificate very well attested.

An. Do.
1603.

V. That the Part of the *Thirty-fourth Canon* which relates to the giving of Certificates concerning the Lives and Manners of those who are to be ordained, be strictly looked to. And that the Bishops lay it on the Consciences of the Clergy, that they sign no Certificates, unless, upon their own Knowledge, they judge the Persons to be duly qualified.

Articuli
pro Clero.

VI. That every Bishop shall transmit, between *Michaelmas* and *Christmas*, to the Archbishop of the Province, a List of all such Persons as have been ordained by him during that Year, according to the Constitutions in the Year 1584, in order to be put in a publick Register, which shall be prepared by you for that Use.

An. Do.
1603.

VII. That the Bishops shall reside in their Dioceses, and shall take Care to oblige their Clergy to such Residence as the Laws of the Land and the Canons do require, particularly the *Forty-first Canon*.

An. Do.
1603.

VIII. That they who keep Curates, have none but such as are licensed by the Bishop of the Diocese, or in exempt Jurisdictions by the Ordinary of the Place having Episcopal Jurisdiction, as is required both by the Act of Uniformity and the *Forty-eighth Canon*, that so when the Incumbent does not reside, the Bishop, or such Ordinary, may know how the Cure is supplied; and that no Person shall presume to

serve any Cure without Licence from the Bishop, or such Ordinary, upon Pain of Suspension.

IX. That you use your most effectual Endeavours to suppress the great Abuses occasioned by Pluralities, and restrain them as much as you can, except where the Parishes lie near one another, and the Livings are small: That all Qualifications be carefully examined; We being determined to have no Chaplains to be qualified by Us, but such as are admitted to attend upon Us. And that due Caution be taken before any Faculty is granted. And that such Persons, as are legally qualified, shall reside at least Two Months in the Year in each of their Livings; and provide a Curate to serve where they are not in Person, with a due Maintenance, to be determined by the Bishop of the Diocese, unless the Two Parishes lie so near, that the Incumbent can constantly serve both Cures.

X. That the Bishops shall look to the Lives and Manners of their Clergy, that they may be in all Things regular and exemplary, according to the Seventy-fifth Canon.

XI. That the Bishops do use their utmost Endeavour to oblige their Clergy to have publick Prayers in the Church, not only on Holydays and Litany-days, but as often as may be, and to celebrate the holy Sacrament frequently. *An. Do.*
1603.

XII. That the Bishops shall require the Clergy to use their utmost Endeavours, that the Lord's Day be religiously observed. That they set a good Example to their People, and exhort them frequently to their Duty herein.

XIII. That the Bishops remind their Clergy to visit the Sick frequently, and require them to perform that Duty with great Care and Diligence, according to the Sixty-seventh Canon.

XIV. That catechizing be duly performed, according to the Fifty-ninth Canon. *An. Do.*
1603.

XV. That the Bishops be careful to confirm, not only in their triennial Visitations, but at other convenient Seasons. *An. Do.*
1603.

XVI. That care be taken, that the Archdeacons make their Visitations personally; and that, as much as may be, they live within the Bounds of their Jurisdiction, and do their Duty according to the Canons.

XVII. That

Injunctions, Anno Dom. 1694.

XVII. That no Commutation of Penance shall be made, but by the express Order and Directions of the Bishop himself, which shall be declared in open Court. And that the Commutation Money shall be applied only to pious and charitable Uses, according to the *Articuli pro Clero*, made in the Year 1584, and the Constitutions made in the Year 1597.

An. Do.
1603.

XVIII. That no Licence for Marriage without Banns shall be granted by any Ecclesiastical Judge, without first taking the Oaths of Two sufficient Witnesses, and also sufficient Security for Performance of the Conditions of the Licence, according to the One hundred and second and One hundred and third Canons.

THESE Injunctions We do require you to transmit to the Bishops of your respective Provinces, to be by them communicated to their Clergy, and to be strictly observed, and often inquired after both by you and them. For as We esteem it the chief Part of Our Princely Care to promote true Religion, as it is established in this Church; and in order thereunto, We have determined not to dispose of any Church Preferments in Our Gift, but to such of Our Clergy as We shall have reason to believe do live most exemplarily, and preach and watch most faithfully over the People committed to their Charge; so We assure Ourselves, that these Our pious Intentions will be effectually seconded by you and the rest of Our Bishops; and that you will, without Favour or partial Affection, study to suppress Impiety and Vice, and to reform all Disorders, as far as in you lies; well knowing that nothing will so much advance the great Ends of Religion, and so certainly secure and establish this Church, as the exemplary Lives and faithful Labours of those who minister in it. And so We commend Ourselves to your Prayers, and bid you very heartily Farewell.

Given at Our Court at Kensington, the Fifteenth Day of February 1694-5, in the Seventh Year of Our Reign.

By His Majesty's Command,

SHREWSBURY.

DIREC.

DIRECTIONS to Our Archbishops and Bishops, for the preserving of Unity in the Church, and the Purity of the Christian Faith, concerning the Holy Trinity. Anno Dom. 1695.

WILLIAM R.

MOST Reverend, and Right Reverend Fathers in God, We greet you well. Whereas we are given to understand, That there have of late been some Differences among the Clergy of this Our Realm about their Ways of expressing themselves in their Sermons and Writings, concerning the Doctrine of the Blessed Trinity, which may be of dangerous Consequence, if not timely prevented; We therefore, out of Our Princely Care and Zeal for the Preservation of the Peace and Unity of the Church, together with the Purity of the Christian Faith, have thought fit to send you these following Directions, which We straitly Charge and Command you to publish, and to see that they be Observed within your several Diocefes.

I. **T**hat no Preacher whatsoever, in his Sermon or Lecture, do presume to deliver any other Doctrine concerning the Blessed Trinity, than what is contained in the Holy Scriptures, and is agreeable to the Three Creeds and the Thirty-nine Articles of Religion.

II. That in the Explication of this Doctrine they carefully avoid all new Terms, and confine themselves to such Ways of Expression as have been commonly used in the Church.

III. That Care be taken in this Matter, especially to observe the Fifty-third Canon of this Church, which forbids publick Opposition between Preachers, and that above all Things they abstain from bitter Invectives and scurrilous Language against all Persons whatsoever.

IV. That the foregoing Directions be also observed by those who write any Thing concerning the said Doctrine.

And whereas we also understand, That divers Persons, who are not of the Clergy, have of late presumed, not only to talk and to dispute against the Christian Faith, concerning

96 **Directions, Anno Dom. 1695.**

cerning the Doctrine of the Blessed Trinity, but also to write and publish Books and Pamphlets against the same, and industriously spread them through the Kingdom, contrary to Our known Laws established in this Realm; We do therefore strictly Charge and Command you, together with all other Means suitable to your holy Profession, to make use of your Authority according to Law, for the Repressing and Restraining of all such exorbitant Practices. And for your Assistance We will give Charge to Our Judges, and all other Our Civil Officers, to do their Duty herein, in Executing the Laws against all such Persons as shall by these Means give Occasion of Scandal, Discord, and Disturbance, in Our Church and Kingdom.

Given at our Court at *Kensington*, the Third Day of
February 1695, in the Seventh Year of Our Reign.

By His Majesty's Command,

SHREWSBURY.

Anno

Anno 3 Jac. I. Cap. 1.

An Act for a Publick Thanksgiving to Almighty God every Year on the Fifth Day of November.

[To be read in Churches.]

FOrasmuch as Almighty God hath in all Ages shewed his Power and Mercy, in the miraculous and gracious Deliverance of his Church, and in the Protection of religious Kings and States; and that no Nation of the Earth hath been blessed with greater Benefits than this Kingdom now enjoyeth, having the true and free Profession of the Gospel under our most gracious Sovereign Lord King *James*, the most great, learned, and religious King that ever reigned therein, enriched with a most hopeful and plentiful Progeny, proceeding out of His Royal Loins, promising Continuance of this Happiness and Profession to all Posterity; the which many malignant and devilish Papists, Jesuits, and seminary Priests, much envying and fearing, conspired most horribly, when the King's most Excellent Majesty, the Queen, the Prince, and all the Lords Spiritual and Temporal, and Commons, should have been assembled in the upper House of Parliament, upon the Fifth Day of November, in the Year of our Lord One thousand six hundred and five, suddenly to have blown up the said whole House with Gunpowder; an Invention so inhuman, barbarous, and cruel, as the like was never before heard of; and was (as some of the principal Conspirators thereof confess) purposely devised and concluded to be done in the said House, that where sundry necessary and religious Laws for Preservation of the Church and State were made, which they falsely and slanderously Term cruel Laws enacted against them and their Religion, both Place and Persons should be all destroyed and blown up at once; which would have turned to the utter Ruin of this whole Kingdom, had it not pleased Almighty God, by inspiring the King's most Excellent Majesty with a divine Spirit, to interpret some dark Phrases of a Letter renewed to His Majesty, above and beyond all ordinary Construction, thereby miraculously discovering this hidden Treason not many Hours before the appointed Time for the Execution thereof: Therefore, the King's most Excellent Ma-

G

jesty,

jeſty, the Lords Spiritual and Temporal, and all His Maieſty's faithful and loving Subjects, do moſt juſtly acknowledge this great and infinite Bleſſing to have proceeded merely from God his great Mercy; and to his moſt holy Name do aſcribe all Honour, Glory, and Praise. And, to the End this unfeigned Thankfulneſs may never be forgotten, but be had in a perpetual Remembrance, that all Ages to come may yield Praises to his Divine Maieſty for the ſame, and have in Memory *THIS JOYFUL DAY OF DELIVERANCE*;

Be it therefore enacted by the King's moſt Excellent Maieſty, the Lords Spiritual and Temporal, and the Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and ſingular Miniſters in every Cathedral and Pariſh Church, or other uſual Place for Common Prayer, within this Realm of *England*, and the Dominions of the ſame, ſhall always upon the Fifth Day of *November* ſay Morning Prayer, and give unto Almighty God Thanks for this moſt happy Deliverance; and that all and every Perſon and Perſons, inhabiting within this Realm of *England*, and the Dominions of the ſame, ſhall always, upon that Day, diligently and faithfully reſort to the Pariſh Church or Chapel accuſtomed, or to ſome uſual Church or Chapel, where the ſaid Morning Prayer, Preaching, or other Service of God ſhall be uſed, and then and there to abide orderly and ſoberly during the Time of the ſaid Prayers, Preaching, or other Service of God, there to be uſed and miniſtered.

And becauſe all and every Perſon may be put in Mind of his Duty, and be then better prepared to the ſaid holy Service; be it enacted by the Authority aforeſaid, That every Miniſter ſhall give Warning to his Pariſhioners publickly in the Church at Morning Prayer, the *Sunday* before every ſuch Fifth Day of *November*, for the due Obſervation of the ſaid Day; and that after Morning Prayer, or Preaching, upon the ſaid Fifth Day of *November*, they read publickly, diſtinctly, and plainly, this preſent Act.

Anno 3 Jac. I. Cap. 21.

An Act to restrain the Abuse of Players.

FOR the preventing and avoiding of the great Abuse of the Holy Name of God in Stage-plays, Interludes, May-games, Shews, and such like, be it enacted by Our Sovereign Lord the King's Majesty, and by the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That, if at any Time or Times after the End of this present Session of Parliament, any Person or Persons do or shall, in any Stage-play, Interludes, Shew, May-game, or Pageant, jestingly, or profanely speak, or use the Holy Name of God, or of Christ Jesus, or of the Holy Ghost, or of the Trinity, which are not to be spoken but with Fear and Reverence, shall forfeit for every such Offence by him or them committed, Ten Pounds: The One Moiety thereof to the King's Majesty, His Heirs and Successors, the other Moiety thereof to him or them that will sue for the same, in any Court of Record at *Westminster*, wherein no Essoin, Protection, or Wager of Law shall be allowed.

Anno 4 Jac. I. Cap. 5.

An Act for repressing the odious and loathsome Sin of Drunkenness.

WHEREAS the loathsome and odious Sin of Drunkenness is of late grown into common Use within this Realm, being the Root and Foundation of many other enormous Sins, as Bloodshed, Stabbing, Murder, Swearing, Fornication, Adultery, and such like, to the great Dishonour of God, and of our Nation, the Overthrow of many good Arts and manual Trades, the disabling of divers Workmen, and the general impoverishing of many good Subjects, abusively wasting the good Creatures of God:

Be it therefore enacted by the King's most Excellent Majesty, the Lords Spiritual and Temporal, and Commons, in

this present Parliament assembled, and by the Authority of the same, That all and every Person or Persons, which after Forty Days next following the End of this present Session of Parliament, shall be drunk, and of the same Offence of Drunkenness shall be lawfully convicted, shall, for every such Offence, forfeit and lose Five Shillings of lawful Money of *England*, to be paid within One Week next after his, her, or their Conviction thereof, to the hands of the Churchwardens of that Parish where the Offence shall be committed, who shall be accountable therefore to the Use of the Poor of the same Parish: And if the said Person or Persons, so convicted, shall refuse or neglect to pay the said Forfeiture, as aforesaid, then the same shall be from Time to Time levied of the Goods of every such Person or Persons so refusing or neglecting to pay the same, by Warrant or Precept from the same Court, Judge, or Justices, before whom the same Conviction shall be: And if the Offender or Offenders be not able to pay the said Sum of Five Shillings, then the Offender or Offenders shall be committed to the Stocks for every Offence, there to remain by the Space of Six Hours.

And be it further enacted by the Authority aforesaid, That if any Constable, or any other inferior Officer of that Parish or Place where the Offence shall be committed, to whom that shall be given in Charge by the Precept of any Mayor, Bailiff, or other Head Officer or Justices of the Peace, within their several Limits, do neglect the due Correction of the said Offender, or the due levying of the said Penalties, where Distress may be had; then every Person so offending shall forfeit the Sum of Ten Shillings of current Money of *England*, to the Use of the Poor of the same Parish or Place where the Offence shall be committed; to be levied by way of Distress, by any other Person or Persons having Warrant from any Mayor, Bailiff, or other Head Officer, Justices of Peace, or Court, where any such Conviction shall be; and to be paid to the Churchwardens as before limited, who are also to account for the same to the Use aforesaid.

And be it further enacted by the Authority aforesaid, That if any Person or Persons within this Realm of *England*, or the Dominion of *Wales*, shall remain or continue Drinking or Tipling in any Inn, Victualling-house, or Ale-house, being in the same City, Town, Village, or Hamlet, wherein the said Person or Persons, so remaining Drinking or Tipling, doth dwell and inhabit, at the Time of such Drinking and Tipling, and the same being viewed and seen by any Mayor

or other Head Officer, Justice or Justices of Peace, within their several Limits, or duly proved in such Manner and Form as is limited in and by one Act of Parliament, made in the First Session of this present Parliament, intituled, *An Act to restrain the inordinate Haunting and Tipling in Inns, Alehouses, and other Victualling-houses*, unless it be in such Case or Cases as be tolerated or excepted in the said Act; that then, every Person or Persons, so offending, shall forfeit and lose for every such Offence the Sum of Three Shillings and Fourpence, of current Money of *England*, to the Use of the Poor of the Parish where the said Offence shall be committed; to be levied by way of Distress, in such Manner and Form as is before appointed by this Act for the levying of the Penalty of Five Shillings for being drunk: And if it happen that any Offender or Offenders against the true Intent of this Clause or Branch, being thereof lawfully convicted, be not able to pay the said Forfeiture or Forfeitures; then it shall and may be lawful for any Mayor, Bailiff, or other Head Officer, Justice or Justices of Peace, or Court, where any such Conviction shall be, to punish the said Offender or Offenders, by setting him, her, or them, in the Stocks, for every such Offence, by the Space of Four Hours.

For the more due Execution of this Statute, and for the better and more due Proceeding against such Offenders, all Offences of Drunkenness, and of Excess and unmeasurable Drinking, be it further enacted by the Authority of this present Parliament, That all the Offences in this Act, and in the said former Act mentioned, shall be, from Time to Time, diligently enquired of and presented before the Justices of Assizes in their Circuit, Justices of the Peace in their Quarter or Ordinary Sessions, and before the Mayors, Bailiffs, or other Head Officers of every City or Town-corporate, who have Power to enquire of Trespasses, Riots, Routs, Forces, and such like Offences, and in every Court-leet; and thereupon such due Proceeding shall be against the Offender or Offenders, for their due Conviction in that Behalf, as in such like Cases upon any Indictment or Presentment is used by the Laws of the Realm, or Customs of the City, Town, or Place, where such Presentment or Indictment shall be enquired of and found.

And it is further enacted by the Authority aforesaid, That if any Person or Persons, being once lawfully convicted of the said Offence of Drunkenness, shall after that be again lawfully convicted of the like Offences of Drunkenness, that then every Person and Persons, so secondly convicted of the said Offence of Drunkenness, shall be bounden with Two

Sureties to our Sovereign Lord the King's Majesty, His Heirs and Successors, in One Recognizance or Obligation of Ten Pounds, with Condition to be from thenceforth of good Behaviour.

Be it further enacted by the Authority aforesaid, That all Constables, Churchwardens, Headboroughs, Tythingmen, Aleconners, and Sidemen, shall, in their several Oaths incident to their several Offices, be charged in like Sort to present Offences contrary to this Statute.

Provided always, That this Act, or any Thing therein contained, do not in anywise abridge or restrain the Ecclesiastical Power or Jurisdiction; but all Ordinaries, and other Ecclesiastical Judges and Officers, shall and may proceed to enquire of, censure, and punish all such Offenders, according to the Ecclesiastical Laws of this Realm, in such Manner and Form as before they lawfully might do; any Thing in this Act to the Contrary notwithstanding.

Provided also, That when any of the Offenders against the true Intent of this Act, or any Branch or Article thereof, hath been once punished or corrected for his or her Offence, by any the Ways and Means before limited, that then the said Offender shall not be eftsoons punished or corrected for the same Offence by any other Ways or Means.

Provided always, That this Act, or any Thing therein contained, shall not be prejudicial to either of the Two Universities of this Land; but that the Chancellor, Masters, and Scholars, and the Successors of them, and either of them, may as fully use and enjoy all their Jurisdictions, Rights, Privileges, and Charters, as heretofore they have or might have done; any Thing in this Act to the Contrary notwithstanding.

Provided always, That no Person or Persons shall be punished, impeached, or molested, for any Offence mentioned in this Statute, unless he shall be for the same Offence presented, indicted, or convicted, within Six Months after such Offence committed. This Act to continue until the End of the First Session of the next Parliament. *Made perpetual,*
21 Jac. I. Cap. 7.

Anno 21 Jac. I. Cap. 7.

An Act for the better repressing of Drunkenness, and restraining the inordinate Haunting of Inns, Alehouses, and other Victualling-houses.

WHEREAS one Statute, intituled, *An Act to restrain the inordinate Haunting or Tipling in Inns, Alehouses, and other Victualling-houses,* made in the First Year of His Highness' happy Reign in England; and another Statute, intituled, *An Act to repress the odious and loathsome Sin of Drunkenness,* made in the Fourth Year of His Highness' Reign of England, were made to continue to the End of the First Session of the next Parliament, and by Experience have been found good and necessary Laws; be it therefore enacted, That the said Statutes, with the Alterations and Additions hereafter expressed, shall be put in due Execution, and continue for ever. And whereas by the said Statutes, Proof of Two Witnesses is required, be it enacted, That Proof of One Witness from henceforth shall be allowed and taken for sufficient in that Behalf; and that the voluntary Confession (before any such Persons as by the said Act are authorised to minister the Oath) of any Person offending either of the said Statutes, shall suffice to convince the Person so offending; after such Confession, the Oath of the Party so offending shall and may be taken, and be a sufficient Proof against any other offending at the same Time.

And be it further enacted, That if any other Person or Persons, wheresoever his or their Habitation or Abiding be, shall at any Time hereafter be found, upon View, or his own Confession, or Proof of One Witness, to be Tipling in any Inn, Alehouse, or Victualling-house; such Person or Persons shall be from henceforth adjudged and construed to be within the said Statutes, as if he or they had inhabited and dwelt in the City, Town-corporate, Market-town, Village, or Hamlet, where the said Inn, Alehouse, or Victualling-house, is or shall be, where he or they shall be so found Tipling, and shall incur the like Penalty, and the same to be in such Sort levied and disposed, as in the said Act is expressed, concerning such as there inhabit: And the voluntary Confession of such Person or Persons so offending, before such as by the

said Statutes are authorised to minister the Oath, shall suffice to convince themselves, and after such Confession, the Oath of such Person or Persons so confessing shall and may be taken by such as by the said Act have Authority to minister an Oath, and shall be a sufficient Proof against any other offending at that Time.

And be it further enacted, That any Justice of Peace in any County, and any Justice of Peace, or other Head Officer, in any City or Town-corporate within their Limits respectively, shall from henceforth have Power and Authority, upon his own View, Confession of the Party, or Proof of one Witness upon Oath before him, (which he by virtue of this Act shall have Power to administer,) to convince any Person of the Offence of Drunkennes; whereby such Person so convicted shall incur the Forfeiture of Five Shillings for every such Offence; and the same to be levied, or the Offender otherwise punished, as in the said Statute is appointed: And for the Second Offence he shall become bound to the good Behaviour, as if he had been convicted in open Sessions; any Thing in the said former Statute, made in the Fourth Year of His Majesty's Reign, to the Contrary notwithstanding.

And be it further enacted, That if any Person, being an Alehouse-keeper, or that shall at any Time hereafter be an Alehouse-keeper, shall at any Time hereafter be lawfully convicted for any Offence against any the Branches of either of the said Two former Statutes, according to the Alterations and Additions therein contained, or against the true Meaning of this present Statute; that every Person so convicted, shall for the Space of Three Years next ensuing the said Conviction be utterly disabled to keep any such Alehouse.

And whereas in the said Statute, made in the Fourth Year of His said Majesty's Reign, intituled, *An Act to repress the odious and loathsome Sin of Drunkennes*, Constables, Churchwardens, Headboroughs, Tythingmen, Aleconners, and Sidemen, are appointed, in the Oaths incident to their Offices, to be likewise charged to present the Offences contrary to the said Statute; be it enacted, That the said Oath shall always hereafter be enlarged, and extend to present all Offences done contray to the Statute made in the First Session of Parliament held in the First Year of His Highness' Reign, intituled, *An Act to restrain the inordinate Haunting and Tipling in Inns and Alehouses, and other Victualling-houses*, with the Alterations and Additions in this Act contained, made in the said Fourth Year of His said Majesty's Reign, according to the Alterations and Additions of the same in this Act expressed.

Anno 12 Car. II. Cap. 14.

*An Act for a perpetual anniversary Thanksgiving
on the Nine and Twentieth Day of May.*

[To be read in Churches.]

FOrasmuch as Almighty God, the King of Kings, and sole Disposer of all earthly Crowns and Kingdoms, hath by his all-swaying Providence and Power miraculously demonstrated, in the View of all the World, his transcendent Mercy, Love, and Graciousness, towards His most Excellent Majesty *Charles* the Second, by his especial Grace, of *England, Scotland, France, and Ireland*, King, Defender of the true Faith, and all His Majesty's loyal Subjects of this His Kingdom of *England*, and the Dominions thereunto annexed, by His Majesty's late most wonderful, glorious, peaceable, and joyful Restauration to the actual Possession and Exercise of His undoubted, hereditary, sovereign, and regal Authority over them, (after sundry Years forced Extermination into foreign Parts, by the most traiterous Conspiracies and armed Power of usurping Tyrants, and execrable perfidious Traitors), and that without the least Opposition or Effusion of Blood, through the unanimous, cordial, loyal Votes of the Lords and Commons, in this present Parliament assembled, and passionate Desires of all other His Majesty's Subjects; which unexpressible Blessing (by God's own most wonderful Dispensation) was completed on the Twenty-ninth Day of *May* last past, being the most memorable Birth-day, not only of His Majesty, both as a Man and Prince, but likewise as an actual King, and of this and other His Majesty's Kingdoms, all in a great Measure new born, and raised from the Dead on this most joyful Day; wherein many thousands of the Nobility, Gentry, Citizens, and other His Lieges of this Realm, conducted His Majesty unto His royal Cities of *London* and *Westminster*, with all possible Expressions of their publick Joy and loyal Affections, in far greater Triumph than any of His most victorious Predecessors, Kings of *England*, returned thither from their foreign Conquests; and both His Majesty's Houses of Parliament, with all dutiful and loyal Demonstra-

tions

106 An Act for the Twenty-ninth of May.

tions of their Allegiance, publickly received, and cordially congratulated His Majesty's most happy Arrival, and Investiture in His royal Throne, at his Palace at *Whitehall*; upon all which Considerations, this being the Day which the Lord himself hath made, and crowned with so many publick Blessings and signal Deliverances, both of His Majesty and His People, from all their late most deplorable Confusions, Divisions, Wars, Devastations, and Oppressions; to the End that it may be kept in perpetual Remembrance in all Ages to come; and that His Sacred Majesty, with all His Subjects of this Realm, and the Dominions thereof, and their posterities after them, might annually celebrate the perpetual Memory thereof, by sacrificing their unfeigned, hearty, publick Thanks thereon to Almighty God, with one Heart and Voice, in a most devout and Christian Manner, for all these publick Benefits received and conferred on them upon this most joyful Day; be it therefore enacted by the King's most Excellent Majesty, the Lords and Commons, in this present Parliament assembled, and by the Authority of the same, That all and singular Ministers of God's Word and Sacraments, in every Church, Chapel, and other usual Place of Divine Service, and publick Prayer, which now are or hereafter shall be within this Realm of *England*, and the respective Dominions thereof, and their Successors, shall, in all succeeding Ages, annually celebrate the Twenty-ninth Day of *May*, by rendering their hearty publick Praises and Thanksgivings unto Almighty God for all the forementioned extraordinary Mercies, Blessings, and Deliverances received, and mighty Acts done thereon, and declare the same to all the People there assembled, and the Generations yet to come; that so they may for ever praise the Lord for the same, whose Name alone is excellent, and his Glory above the Earth and Heavens.

And be it further enacted, That all and every Person and Persons inhabiting within this Kingdom, and the Dominions thereunto belonging, shall, upon the said Day, annually resort, with Diligence and Devotion, to some usual Church, Chapel, or Place where such publick Thanksgivings and Praises to God's most Divine Majesty shall be rendered, and there orderly and devoutly abide during the said publick Thanksgivings, Prayers, Preaching, singing of Psalms, and other Service of God there to be used and ministered. And to the End that all Persons may be put in mind of their Duty thereon, and be the better prepared to discharge the same with that Piety and Devotion as becomes them; be it further enacted, That every Minister shall give Notice to his Parishioners publickly in the

Church

An Act for Observation of the Lord's Day. 107

Church at Morning Prayer the Lord's Day next before every such Twenty-ninth Day of *May*, for the due Observation of the said Day; and shall then likewise publicly and distinctly read this present Act to the People.

Anno 29 Car. II. Cap. 7.

An Act for the better Observation of the Lord's Day, commonly called Sunday.

FOR the better Observation and keeping holy the Lord's Day, commonly called *Sunday*, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, That all the Laws enacted, and in Force, concerning the Observation of the Lord's Day, and repairing to the Church thereon, be carefully put in Execution. And that all and every Person and Persons whatsoever, shall, on every Lord's Day, apply themselves to the Observation of the same, by exercising themselves thereon in the Duties of Piety and true Religion, publicly and privately; and that no Tradesman, Artificer, Workman, Labourer, or other Person whatsoever, shall do or exercise any worldly Labour, Business, or Work of their ordinary Calling upon the Lord's Day, or any Part thereof, (Works of Necessity and Charity only excepted); and that every Person, being of the Age of Fourteen Years, or upwards, offending in the Premises, shall, for every such Offence, forfeit the Sum of Five Shillings: And that no Person or Persons whatsoever shall publicly cry, shew forth, or expose to Sale any Wares, Merchandises, Fruit, Herbs, Goods, or Chattels whatsoever, upon the Lord's Day, or any Part thereof, upon Pain that every Person so offending shall forfeit the same Goods so cried or shewed forth, or exposed to Sale.

And it is further enacted, That no Drover, Horse-courser, Waggoner, Butcher, Higgler, their, or any of their Servants, shall travel, or come into his or their Inn or Lodging upon the Lord's Day, or any Part thereof, upon Pain that each and every such Offender shall forfeit Twenty Shillings for every

By an Act passed in the first Year of Elizabeth every Person who should be punished for attending the church on Sunday and by an Act passed in the 22 Year of the same upon a fine of 1000 was laid on every one who neglected to attend church &

for one month, and if a whole year he was to find securities also in 1600 for his good behaviour except they were bound to be in his own house & attend the church 4 times in the year

108 An Act for Observation of the Lord's Day.

every such Offence; and that no Person or Persons shall use, employ, or travel upon the Lord's Day, with any Boat, Wherry, Lighter, or Barge, except it be upon extraordinary Occasion, to be allowed by some Justice of the Peace of the County, or Head Officer, or some Justice of the Peace of the City, Borough, or Town-corporate, where the Fact shall be committed, upon Pain that every Person so offending shall forfeit and lose the Sum of Five Shillings for every such Offence. And that if any Person offending in any of the Premises shall be thereof convicted before any Justice of the Peace of the County, or the Chief Officer or Officers, or any Justice of the Peace of or within any City, Borough, or Town-corporate, where the said Offences shall be committed, upon his or their View, or Confession of the Party, or Proof of any One or more Witnesses by Oath, (which the said Justices, Chief Officer or Officers, is by this Act authorised to administer), the said Justice, or Chief Officer or Officers, shall give Warrant, under his or their Hand and Seal, to the Constables or Churchwardens of the Parish or Parishes where such Offence shall be committed, to seize the said Goods cried, shewed forth, or put to Sale, as aforesaid, and to sell the same, and to levy the said other Forfeitures or Penalties, by way of Distress and Sale of the Goods of every such Offender distrained, rendering to the said Offenders the Overplus of the Monies raised thereby; and in Default of such Distress, or in case of Insufficiency or Inability of the said Offender to pay the said Forfeitures or Penalties, that then the Party offending be set publicly in the Stocks by the Space of Two Hours. And all and singular the Forfeitures or Penalties aforesaid, shall be employed and converted to the Use of the Poor of the Parish where the said Offences shall be committed; saving only that it shall and may be lawful to and for any such Justice, Mayor, or Head Officer or Officers, out of the said Forfeitures or Penalties, to reward any Person or Persons that shall inform of any Offence against this Act, according to their Discretions, so as such Reward exceed not the Third Part of the Forfeitures or Penalties.

Provided, That nothing in this Act contained shall extend to the prohibiting of dressing of Meat in Families, or dressing or selling of Meat in Inns, Cook's Shops, or Victualling-houses, for such as otherwise cannot be provided; nor to the crying or selling of Milk before Nine of the Clock in the Morning, or after Four of the Clock in the Afternoon.

Provided also, That no Person or Persons shall be impeached, prosecuted, or molested, for any Offence before mentioned.

An Act for Observation of the Lord's Day. 109

mentioned in this Act, unless he or they be prosecuted for the same within Ten Days after the Offence committed.

Provided, and be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, which shall travel upon the Lord's Day, shall be then robbed; that no Hundred, or the Inhabitants thereof, shall be charged with, or answerable for any Robbery so committed, but the Person or Persons so robbed shall be barred from bringing any Action for the said Robbery; any Law to the Contrary notwithstanding. Nevertheless, the Inhabitants of the Counties and Hundreds (after Notice of any such Robbery to them, or some of them given, or after Hue and Cry for the same to be brought) shall make, or cause to be made, fresh Suit and Pursuit after the Offenders, with Horsemen and Footmen, according to the Statute made in the Twenty-seventh Year of the Reign of Queen *Elizabeth*, upon Pain of forfeiting to the King's Majesty, His Heirs and Successors, as much Money as might have been recovered against the Hundred by the Party robbed, if this Law had not been made.

Provided also, That no Person or Persons, upon the Lord's Day, shall serve or execute, or cause to be served or executed, any Writ, Process, Warrant, Order, Judgement, or Decree, (except in Cases of Treason, Felony, or Breach of Peace), but that the Service of every such Writ, Process, Warrant, Order, Judgement, or Decree, shall be void to all Intents and Purposes whatsoever; and the Person or Persons so serving or executing the same shall be as liable to the Suit of the Party grieved, and to answer Damages to him for doing thereof, as if he or they had done the same without any Writ, Process, Warrant, Order, Judgement, or Decree at all.

Extra

*Extract out of the Acts for Burying in Woollen,
so far as they concern the Minister.*

Anno 30 Car. II.

IT is enacted, That all Persons in holy Orders, Deans, Parsons, Deacons, Vicars, Curates, and their or any of their Substitutes, do, within their respective Parishes, Precincts. and Places, take an exact Account, and keep a Register of all and every Person or Persons buried in his or their respective Parishes or Precincts, or in such common Burial Places as their respective Parishioners are usually buried. And that some one or more of the Relations of the Party deceased, or other credible Person, shall, within Eight Days next after such Interment, bring an Affidavit in Writing, under the Hands and Seals of Two or more credible Witnesses, (and under the Hand of the Magistrate or Officer before whom the same was sworn, for which nothing shall be paid), to the Minister or Parson, that the said Person was not put in, wrapt, or wound up, or buried in any Shirt, Shift, Sheet, or Shroud, made or mingled with Flax, Hemp, Silk, Hair, Gold, or Silver, or other than what is made of Sheep's Wool only; or in any Coffin lined or faced with any Cloth, Stuff, or any other Thing whatsoever made or mingled with Flax, Hemp, Silk, Hair, Gold, or Silver, or any other Material but Sheep's Wool only.

And in case no such Affidavit shall be brought to the Parson or Minister where the said Party was buried, as aforesaid, within the said Eight Days, that such Parson or Minister shall forthwith give, or cause Notice thereof to be given, in Writing, under his Hand, to the Churchwardens or Overseers of the Poor of such Parish.

And in case any Parson or Minister shall neglect to give Notice to the Churchwardens or Overseers of the Poor, as aforesaid, or not give unto them a Note or Certificate under his Hand, testifying that such an Affidavit and Certificate was not brought to him within the Time limited by this Act, concerning the Parties being interred according to the Directions hereof; he so neglecting or offending, shall forfeit for every such Offence the Sum of Five Pounds of lawful Money of *England*; to be recovered by such Person as shall sue for the same, by Action of Debt, Bill, Plaint,

or

Additional Act for Burying in Woollen. 111

or Information, wherein no Effoin, Wager of Law, or Protection, shall be allowed; and wherein also the Prosecutor shall recover his Full Costs; so as the Suit be commenced within Six Months after the Offence shall be committed.

And it is further enacted, That the Parson or Minister of every Parish shall keep a Register in a Book, to be provided at the Charge of the Parish, and make a true Entry of all Burials within his Parish, and of all Affidavits brought to him, as aforesaid, within the Time limited, as aforesaid: And where no such Affidavit shall be brought to him within such Time, that he enter a Memorial thereof in the said Registry against the Name of the Party interred, and of the Time when he notified the same to the Churchwardens or Overseers of the Poor.

Additional Act for Burying in Woollen.

Anno 32 Car. II.

IT is enacted, That if no Justice of the Peace shall reside or be to be found in any Parish where any Party shall be interred; the Parsons, Vicars, and Curates, in every Parish or Chapel of Ease within the County where any Party shall be interred, (except only the Parson, Vicar, and Curate of the Parish or Chapel of Ease where the Party is interred, concerning whose Interment in Woollen Affidavit is to be made,) are authorised and required to administer the Oaths or Affidavits to be made of any Person's being interred in Woollen, according to the Directions of the aforesaid Act; and to attest the same under their Hands *gratis*.

Anno

Anno 1 W. & M. Cap. 16.

An Act, that the Simoniackal Promotion of one Person may not prejudice another.

WHEREAS it hath often happened, that Persons Simoniack, or Simoniackally promoted to Benefices or Ecclesiastical Livings, have enjoyed the Benefit of such Livings many Years, and sometimes all their Lifetime, by reason of the secret Carriage of such Simoniack Dealing; and after the Death of such Simoniack Person, another Person, innocent of such Crime, and worthy of such Preferment, being presented or promoted by another Patron, innocent also of that Simoniackal Contract, have been troubled and removed upon Pretence of Lapse, (or otherwise,) to the Prejudice of the innocent Patron in Reversion, and of his Clerk, whereby the Guilty go away with Profit of his Crime, and the innocent succeeding Patron and his Clerk are punished, contrary to all reason and good Conscience:

For Prevention whereof, be it enacted by the King and Queen's most Excellent Majesties, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the Death of the Person so Simoniackally promoted, the Offence or Contract of Simony shall neither by way of Title in Pleading, or in Evidence to a Jury, or otherwise hereafter be alledged, or pleaded, to the Prejudice of any other Patron innocent of Simony, or of his Clerk by him presented, or promoted, upon Pretence of Lapse to the Crown, Metropolitan, or otherwise, unless the Person Simoniack, or Simoniackally presented, or his Patron, was convicted of such Offence at the Common Law, or some Ecclesiastical Court, in the Lifetime of the Person Simoniack, or Simoniackally promoted or presented: Any Law or Statute to the Contrary notwithstanding.

And be it also provided, enacted, and declared, by the Authority aforesaid, That no Lease or Leases, really and bona fide made, or hereafter to be made, by any such Person, as aforesaid, Simoniack, or Simoniackally promoted to any Deanery, Prebend, or Parsonage, or other Ecclesiastical Benefice or Dignity, for good and valuable Consideration, to any Tenant, or Person not being privy unto, or having Notice of such Simony, shall be impeached or avoided for or by reason of such Simony; but shall be good and effectual in Law, the said Simony notwithstanding.

Anno 6 & 7 Gulielmi III.

An Act for the more effectual suppressing prophane Cursing and Swearing.

WHEREAS it is found by Experience, that an Act of Parliament, made in the One and twentieth Year of the Reign of King James the First, intituled, *An Act to prevent and reform prophane*

Swearing and Cursing, hath proved ineffectual to the suppressing of those detestable Sins, by reason of some Deficiencies in the said Act: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons shall, after the Four and twentieth Day of June, in the Year of our Lord One thousand six hundred ninety-five, prophanely Swear or Curse in the Presence or Hearing of any Justice of Peace of the County, Riding, or Division, or of the Mayor, or other Head Officer, or Justice of Peace for any City, or Town-corporate, where such Offence is or shall be committed, or that shall be thereof convicted by Oath of One Witness, or by the Confession of the Party offending, before any Justice of Peace of the County, or Mayor, or Bailiff, or other Chief Officer, or Justice of the Peace of such City or Town-corporate, where the said Offence shall be committed; that then, for every such Offence, the Party so offending shall forfeit and pay to the Use of the Poor of the Parish where such Offence or Offences shall be committed, the respective sums herein-after mentioned (that is to say) Every Servant, Day-labourer, common Soldier, and common Seaman, One Shilling; and every other Person Two Shillings. And in case any of the Persons aforesaid shall, after Conviction, offend a second Time, such Person shall forfeit and pay Double; and if a third Time, Treble the Sum respectively by him or her to be paid for the first Offence.

And it is hereby further enacted, That upon Neglect or Refusal of Payment of the said Forfeiture, any Justice of Peace of the County, Riding, or Division, or Mayor, or other Head Officer, or Justice of Peace of any City, or Town-corporate

An act passed in the nineteenth Year of George the second, in addition to these, every Person of and above the degree of a Gentleman who shall forfeit five Shillings for the

first offence, and double for the second, and pay every other Person to be entered to all and sundry

porate, where the said Offence shall be committed, shall, and are hereby authorised and required to direct and send his Warrant to the Constable, Tythingman, Churchwarden, or Overseer of the Poor of the Parish where the Offence shall be committed. or where the Offender shall inhabit, thereby commanding them, or some One or more of them, to levy, by Distress and Sale of the Goods of the Offender, the Sum so forfeited, for the Use of the Poor of the Parish, as aforesaid; and in case no such Distress can be had, then every such Offender, being above the Age of Sixteen Years, shall, by Warrant under the Hand and Seal of the said Justice of Peace, or other Officer, as aforesaid, be publickly set in the Stocks for the Space of One Hour for every single Offence; and for any Number of Offences, whereof he shall be convicted at one and the same Time, then Two Hours; and if the Party offending be under the Age of Sixteen Years, and shall not forthwith pay the said Forfeitures, then he or she shall, by Warrant as aforesaid, be whipped by the Constable, or by the Parent, Guardian, or Master, of such Offender, in the Presence of the Constable.

And be it further enacted, That if any Justice of the Peace, or Chief Magistrate, shall wilfully and wittingly omit the Performance of his Duty, in the Execution of this Act, he shall forfeit the Sum of Five Pounds; the One Moiety to the Use of the Informer, to be recovered by Action, Suit, Bill, or Complaint, in any of His Majesty's Courts at Westminster, wherein no Effoin, Protection, or Wager of Law shall be allowed, nor any more than One Imparlance.

And it is hereby further enacted, That if any Action or Suit shall be commenced or brought against any Justice of Peace, Constable, or other Officer, or Person whatsoever, for doing, or causing to be done, any Thing in pursuance of this Act, concerning the said Offences, the Defendant, in such Action, may plead the General Issue, and give the Special Matter in Evidence; and if upon such Action, Verdict be given for the Defendant, or the Plaintiff become nonsuit, or discontinue his Action, then the Defendant shall have Treble Costs.

Provided always, and it is hereby enacted, That no Person shall be prosecuted or troubled for any Offence against this Statute, unless the same be proved or prosecuted within Ten Days next after the Offence committed.

And it is further enacted by the Authority aforesaid, That this Act shall be publickly read Four several Times in the Year in all Parish Churches, and all publick Chapels, by the Parson, Vicar, or Curate, of the respective Parishes or Chapels, immediately after Morning Prayer, on Four several Sundays;

An Act for Recovery of small Tithes. 115

Sundays ; (that is to say), The Sunday next after the Four and twentieth Day of *June*, the Nine and twentieth Day of *September*, the Five and twentieth Day of *December*, and the Five and twentieth Day of *March*, under the Pain of Twenty Shillings for every such Omission or Neglect.†

And be it further enacted by the Authority aforesaid, That the Justice of Peace, Mayor, or other Head Officer, shall register in a Book, to be kept for that Purpose, all the Convictions made before him upon this Act, and the Time of making thereof, and for what Offence ; and shall certify the same to the next General Quarter-sessions of the Peace for the said County or Place where the Offences are committed, to be there kept upon Record by the respective Clerks of the Peace, to be seen without Fee or Reward.

By the Act of the 19th of George the 3rd, and by which this Act is repealed, the penalty is five pounds

Anno 7 Gulielmi III. Cap. 6.

An Act for the more easy Recovery of small Tithes.

FOR the more easy and effectual Recovery of small Tithes, and the Value of them, where the same shall be unduly substracted and detained, where the same do not amount to above the yearly Value of Forty Shillings from any one Person ; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lord's Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person and Persons shall henceforth well and truly set out and pay all and singular the Tithes, commonly called *small Tithes*, and Compositions and Agreements for the same, with all Offerings, Oblations, and Obventions, to the several Rectors, Vicars, and other Persons to whom they are or shall be due, in their several Parishes within this Kingdom of *England*, and Dominion of *Wales*, and Town of *Berwick upon Tweed*, according to the Rights, Customs, and Prescriptions commonly used within the said Parishes respectively: And if any Person or Persons shall hereafter substract or withdraw, or any-ways fail in the true Payment of such small Tithes, Offerings, Oblations, Obventions, or Compositions, as aforesaid, by the Space of Twenty Days at most after Demand thereof, then it shall and may be lawful for the Person or Persons to whom the

116 **An Act for Recovery of Small Tithes.**

same shall be due, to make his or their Complaint in Writing unto Two or more of His Majesty's Justices of the Peace within that County, Riding, City, Town-corporate, Place, or Division, where the same shall grow due, (neither of which Justices of Peace is to be Patron of the Church or Chapel whence the said Tithes do or shall arise, nor any ways interested in such Tithes, Offerings, Oblations, Obventions, or Compositions aforesaid.)

And be it further enacted by the authority aforesaid, That if hereafter any Suit or Complaint shall be brought to Two or more Justices of the Peace, as aforesaid, concerning small Tithes, Offerings, Oblations, Obventions, or Compositions, as aforesaid, the said Justices are hereby authorised and required to summon, in Writing, under their Hands and Seals, by reasonable Warning, every such Person or Persons against whom any Complaint shall be made, as aforesaid; and after his or their Appearance, or upon Default of their Appearance, the said Warning or Summons being proved before them upon Oath, the said Justices of Peace, or any Two or more of them, shall proceed to hear and determine the said Complaint; and upon the Proofs, Evidences, and Testimonies produced before them, shall, in Writing, under their Hands and Seals, adjudge the Case, and give such reasonable Allowance and Compensation for such Tithes, Oblations, and Compositions so substraied or withheld, as they shall judge to be just and reasonable, and also such Costs and Charges, not exceeding Ten Shillings, as upon the Merits of the Cause shall appear just.

And be it further enacted, That if any Person or Persons shall refuse or neglect, by the Space of Ten Days after Notice given, to pay or satisfy any such Sum of Money, as, upon such Complaint and Proceeding, shall by Two or more Justices of the Peace be adjudged, as aforesaid; in every such Case, the Constables and Churchwardens of the said Parish, or one of them, shall, by Warrant under the Hands and Seals of the said Justices to them directed, distrain the Goods and Chattels of the Party so refusing or neglecting, as aforesaid; and after detaining them by the Space of Three Days, in case the said Sum so adjudged to be paid, together with reasonable Charges for making and detaining the said Distress, be not tendered or paid by the said Party in the mean Time, shall and may make publick Sale of the same, and pay to the Party complaining so much of the Money arising by such Sale as may satisfy the said Sum so adjudged, retaining to themselves such reasonable Charges for making and keeping the said Distress, as the said Justices shall think

An Act for Recovery of small Tithes. 117

think fit, and shall render the Overplus (if any be) to the Owner.

Provided always, and be it enacted, That it shall and may be lawful for all Justices of Peace, in the Examination of all Matters offered to them by this Act, to administer an Oath or Oaths to any Witness or Witnesses, where the same shall be necessary for their Information, and for the better Discovery of the Truth.

Provided also, and be it enacted, That this Act, or any Thing herein contained, shall not extend to any Tithes, Oblations, Payments, or Obventions, within the City of *London*, or Liberties thereof, nor to any other City or Town-corporate, where the same are settled by any Act of Parliament in that Case particularly made and provided.

Provided also, and be it enacted, That no Complaint for, or concerning any small Tithes, Offerings, Oblations, Obventions, or Compositions hereafter due, shall be heard and determined by any Justices of the Peace, by virtue of this Act, unless the Complaint shall be made within the Space of Two Years next after the Times that the same Tithes, Oblations, Obventions, and Compositions, did become due or payable; any Thing in this Act contained to the Contrary notwithstanding.

Provided also, and be it enacted, That any Person finding him, her, or themselves aggrieved by any Judgement to be given by any Two Justices of the Peace, shall and may appeal to the next General Quarter-sessions to be held for that County, Riding, City, Town-corporate, or Division; and the Justices of the Peace there present, or the major Part of them, shall proceed finally to hear and determine the Matter, and to reverse the said Judgement, if they shall see Cause; and if the Justices then present, or the major Part of them, shall find Cause to confirm the Judgement given by the first Two Justices of the Peace, they shall then decree the same by Order of Sessions, and shall also proceed to give such Costs against the Appellant, to be levied by Distress and Sale of the Goods and Chattels of the said Appellant, as to them shall seem just and reasonable; and no Proceedings or Judgement had, or to be had, by virtue of this Act, shall be removed, or superseded by virtue of any Writ of *Certiorari*, or other Writ out of His Majesty's Courts at *Westminster*, or any other Court whatsoever, unless the Title of such Tithes, Oblations, or Obventions, shall be in Question; any Law, Statute, Custom, or Usage to the Contrary notwithstanding.

118 An Act for Recovery of small Tithes.

Provided always, and be it enacted, That where any Person or Persons, complained of for substracting or withholding any small Tithes, or other Duties aforesaid, shall, before the Justices of the Peace to whom such Complaint is made, insist upon any Prescription, Composition, or *Modus decimandi*, Agreement, or Title, whereby he or she is or ought to be freed from Payment of the said Tithes, or other dues in Question, and deliver the same, in Writing, to the said Justices of the Peace, subscribed by him or her, and shall then give to the Party complaining reasonable and sufficient Security, to the Satisfaction of the said Justices, to pay all such Costs and Damages, as, upon a Trial at Law to be had for that Purpose, in any of His Majesty's Courts, having Cognizance of that Matter, shall be given against him, her, or them, in case the said Prescription, Composition, or *Modus decimandi*, shall not upon the said Trial be allowed, that in that Case the said Justices of the Peace shall forbear to give any Judgement in the Matter; and that then, and in such Case, the Person or Persons so complaining, shall and may be at Liberty to prosecute such Person or Persons for their said Substraction, in any other Court or Courts whatsoever, where he, she, or they might have sued before the making of this Act; any Thing in this Act to the Contrary notwithstanding.

And be it further enacted by the Authority aforesaid, That every Person and Persons, who shall by virtue of this Act obtain any Judgement, or against whom any Judgement shall be obtained, before any Justices of the Peace out of Sessions, for small Tithes, Oblations, Obventions, or Compositions, shall cause or procure the said Judgement to be inrolled at the next General Quarter-session to be holden for the said County, City, Riding, or Division; and the Clerk of the Peace for the said County, City, Riding, or Division, is hereby required, upon Tender thereof, to inrol the same; and that he shall not ask or receive for the Inrolment of any one Judgement, any Fee or Reward exceeding One Shilling; and that the Judgement so inrolled, and Satisfaction made, by paying the same Sum so adjudged, shall be a good Bar to conclude the said Rectors, Vicars, and other Persons, from any other Remedy for the said small Tithes, Oblations, Obventions, or Compositions, for which the said Judgement was obtained.

And be it further enacted by the Authority aforesaid, That if any Person or Persons against whom any such Judgement or Judgements shall be had, as aforesaid, shall remove out of the County, Riding, City, or Corporation, after Judgement

An Act for Recovery of small Tithes 119

ment had, as aforesaid, and before the levying the Sum or Sums thereby adjudged to be levied, the Justices of the Peace who made the said Judgement, or One of them, shall certify the same, under his or their Hands and Seals, to any Justice of Peace of such other County, City, or Place, wherein the said Person or Persons shall be Inhabitants; which said Justice is hereby authorised and required, by Warrant under his Hand and Seal, to be directed to the Constables or Churchwardens of the Place, or One of them, to levy the Sum or Sums so adjudged to be levied as aforesaid upon the Goods and Chattels of such Person or Persons, as fully as the said other Justices might have done, if he, she, or they, had not removed as aforesaid; which shall be paid according to the said Judgement.

Provided always, and be it enacted, That no Vicar, or other Person, shall have Remedy to recover small Tithes, or other Dues aforesaid, which became or were due before the making of this Act, unless Complaint be made to the Justices of the Peace in Form aforesaid, before the First Day of *October*, which shall be in the Year of our Lord One thousand six hundred ninety-six.

And it is hereby declared and enacted, That the said Justices of the Peace, who shall hear and determine any of the Matters aforesaid, shall have Power to give Costs, not exceeding Ten Shillings, to the Party prosecuted, if they shall find the Complaint to be false and vexatious; which Costs shall be levied in Manner and Form aforesaid.

Provided also, and be it further enacted, That if any Person or Persons shall be sued for any Thing done in Execution of this Act, and the Plaintiff in such Suit shall discontinue his Action, or be nonsuit, or a Verdict pass against him; that then, in any of the said Cases, such Person or Persons shall recover Double Costs.

Provided always, That any Clerk, or other Person or Persons, who shall begin any Suit for Recovery of small Tithes, Oblations, or Obventions, not exceeding the Value of Forty Shillings, in His Majesty's Court of *Exchequer*, or in any the Ecclesiastical Courts, shall have no Benefit by this Act, or any Clause in it, for the same Matter for which he or they have so sued.

Provided always, and be it further enacted, That this Act shall continue for the Space of Three Years, and from thence to the End of the next Session of Parliament, and no longer.

Made perpetual 3 Annæ, cap. xviii. sect. 1.

Anno 9 & 10 Gulielmi III.

*An Act for the more effectual suppressing of
Blasphemy and Profaneness.*

WHEREAS many Persons have of late Years openly avowed and published many blasphemous and impious Opinions, contrary to the Doctrines and Principles of the Christian Religion, greatly tending to the Dishonour of Almighty God, and may prove destructive to the Peace and Welfare of this Kingdom: Wherefore, for the more effectual suppressing of the said detestable Crimes, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons, having been educated in, or at any Time having made Profession of the Christian Religion within this Realm, shall, by writing, printing, teaching, or advised speaking, deny any One of the Persons in the Holy Trinity to be God, or shall assert or maintain there are more Gods than One, or shall deny the Christian Religion to be true, or the holy Scriptures of the Old and New Testament to be of divine Authority, and shall, upon Indictment or Information in any of His Majesty's Courts at *Westminster*, or at the Assizes, be thereof lawfully convicted by the Oath of Two or more credible Witnesses, such Person or Persons, for the First Offence, shall be adjudged incapable and disabled in Law, to all Intents and Purposes whatsoever, to have or enjoy any Office or Offices, Employment or Employments, Ecclesiastical, Civil, or Military, or any Part in them, or any Profit or Advantage appertaining to them, or any of them: And if any Person or Persons so convicted as aforesaid, shall, at the Time of his or their Conviction, enjoy or possess any Office, Place, or Employment, such Office, Place, or Employment, shall be void, and is hereby declared void. And if such Person or Persons shall be a Second Time lawfully convicted as aforesaid, of all or any the aforesaid Crime or Crimes, that then he or they shall from thenceforth be disabled to sue, prosecute, plead, or use any Action or Information in any Court of Law or Equity, or to be Guardian of any Child, or Executor or Administrator of any

An Act against Blasphemy.

121

any Person, or capable of any Legacy or Deed of Gift, or to bear any Office, Civil or Military, or Benefice Ecclesiastical, for ever, within this Realm; and shall also suffer Imprisonment for the Space of Three Years, without Bail or Mainprize, from the Time of such Conviction.

Provided always, and be it enacted by the Authority aforesaid, That no Person shall be prosecuted by virtue of this Act, for any Words spoken, unless the Information of such Words shall be given upon Oath before One or more Justice or Justices of the Peace, within Four Days after such Words spoken, and the Prosecution of such Offence be within Three Months after such Information.

Provided also, and be it enacted by the Authority aforesaid, That any Person or Persons, convicted of all or any of the aforesaid Crime or Crimes, in Manner aforesaid, shall, for the First Offence, (upon his, her, or their Acknowledgement and Renunciation of such Offence, or erroneous Opinions, in the same Court where such Person or Persons was or were convicted, as aforesaid, within the Space of Four Months after his, her, or their Conviction), be discharged from all Penalties and Disabilities incurred by such Conviction; any Thing in this Act contained to the Contrary thereof in any-wise notwithstanding.

By



By the KING,

A PROCLAMATION, for preventing and
punishing Immorality and Profaneness.

WILLIAM R.



Whereas We cannot but be deeply
sensible of the great Goodness and
Mercy of Almighty God, in put-
ting an End to a long, bloody,
and expensive War, by the Con-
clusion of an honourable Peace ; so
We are not less touched with a Resentment,
that notwithstanding this, and many other
great Blessings and Deliverances, Impiety,
Profaneness, and Immorality, do still abound in
this Our Kingdom : And whereas nothing can
prove a greater Dishonour to a well-ordered Go-
vernment,

vernment, where the Christian Faith is profess-
ed, nor is likelier to provoke God to withdraw
his Mercy and Blessings from Us, and instead
thereof, to inflict heavy and severe Judgements
upon this Kingdom, than the open and avowed
Practice of Vice, Immorality, and Profane-
ness, which amongst many Men has too much
prevailed in this Our Kingdom of late Years,
to the high Displeasure of Almighty God, the
great Scandal of Christianity, and the ill and
fatal Example of the rest of Our loving Subjects,
who have been soberly educated, and whose In-
clinations would lead them to the Exercise of
Piety and Virtue, did they not daily find such
frequent and repeated Instances of dissolute
Living, Profaneness, and Impiety, which has in
a great Measure been occasioned by the Neglect
of the Magistrates not putting in Execution
those good Laws which have been made for sup-
pressing and punishing thereof, and by the ill
Example of many in Authority, to the great
Dishonour of God, and Reproach of Our Religi-
on: Wherefore, and for that we cannot expect
Increase or Continuance of the Blessings We
and Our Subjects enjoy, without providing
Remedies to prevent the like Evils for the fu-
ture, We think Ourselves bound by the Duty
We owe to God, and the Care We have of the
People committed to Our Charge, to proceed
in taking effectual Course, that Religion, Piety,
and good Manners, may, according to Our
heartly Desire, flourish and increase under
Our Administration and Government; and
being thereunto moved by the pious Address of
the Commons, in Parliament assembled, We
have thought fit, by the Advice of Our Privy
Council, to issue this Our Royal Proclamation,

and do declare Our Royal Purpose and Resolution to discountenance and punish all Manner of Vice, Immorality, and Profaneness, in all Persons, from the highest to the lowest Degree within this Our Realm, and particularly in such who are employed near Our Royal Person; and that, for the greater Encouragement of Religion and Morality, We will, upon all Occasions, distinguish Men of Piety and Virtue by Marks of Our Royal Favour. And We do expect, that all Persons of Honour, or in Place of Authority, will, to their utmost, contribute to the discountenancing Men of dissolute and debauched Lives, that they being reduced to Shame and Contempt, may be enforced the sooner to reform their ill Habits and Practices, that the Displeasure of good Men towards them may supply what the Laws (it may be) cannot wholly prevent. And, for the more effectual reforming these Men, who are a discredit to Our Kingdom, Our farther Pleasure is, and We do hereby strictly charge and command all Our Judges, Mayors, Sheriffs, Justices of the Peace, and all other Our Officers and Ministers, both Ecclesiastical and Civil, and other Our Subjects, whom it may concern, to be very vigilant and strict in the Discovery, and the effectual Prosecution and Punishment of all Persons, who shall be guilty of excessive Drinking, Blasphemy, profane Swearing and Cursing, Lewdness, Profanation of the Lord's Day, or other Dissolute, Immoral, or disorderly Practices, as they will answer it to Almighty God, and upon Pain of Our highest Displeasure. And for the more effectual Proceedings herein,
We

We do hereby direct and command Our Judges of Assizes, and Justices of the Peace, to give strict Charges at the respective Assizes and Sessions, for the due Prosecution and Punishment of all Persons that shall presume to offend in any the Kinds aforesaid, and also of all Persons that, contrary to their Duty, shall be remiss or negligent in putting the said Laws in Execution, and that they do, at their respective Assizes and Quarter-sessions of the Peace, cause this Our Proclamation to be publicly read in open Court, immediately before the Charge is given. And We do hereby further charge and command every Minister, in his respective Parish or Chapel, to read, or cause to be read, this Our Proclamation, at least four Times in every Year, immediately after Divine Service; and to incite and stir up their respective Auditories to the Practice of Piety and Virtue, and the avoiding of all Immorality and Profaneness. And to the End that all Vice and Debauchery may be prevented, and Religion and Virtue practised by all Officers, private Soldiers, Mariners, or others, who are employed in Our Service, either by Sea or Land, We do hereby strictly charge and command all Our Commanders and Officers whatsoever, that they do take Care to avoid all Profaneness, Debauchery, and other Immoralities, and that by the Piety and Virtue of their own Lives and Conversations they do set good Examples to all such as are under their Authority; and likewise to take care and inspect the Behaviour and Manners of all such as are under them, and to punish all those who shall be guilty of any the Offences aforesaid.

and do declare Our Royal Purpose and Resolution to discountenance and punish all Manner of Vice, Immorality, and Profaneness, in all Persons, from the highest to the lowest Degree within this Our Realm, and particularly in such who are employed near Our Royal Person; and that, for the greater Encouragement of Religion and Morality, We will, upon all Occasions, distinguish Men of Piety and Virtue by Marks of Our Royal Favour. And We do expect, that all Persons of Honour, or in Place of Authority, will, to their utmost, contribute to the discountenancing Men of dissolute and debauched Lives, that they being reduced to Shame and Contempt, may be enforced the sooner to reform their ill Habits and Practices, that the Displeasure of good Men towards them may supply what the Laws (it may be) cannot wholly prevent. And, for the more effectual reforming these Men, who are a discredit to Our Kingdom, Our farther Pleasure is, and We do hereby strictly charge and command all Our Judges, Mayors, Sheriffs, Justices of the Peace, and all other Our Officers and Ministers, both Ecclesiastical and Civil, and other Our Subjects, whom it may concern, to be very vigilant and strict in the Discovery, and the effectual Prosecution and Punishment of all Persons, who shall be guilty of excessive Drinking, Blasphemy, profane Swearing and Cursing, Lewdness, Profanation of the Lord's Day, or other Dissolute, Immoral, or disorderly Practices, as they will answer it to Almighty God, and upon Pain of Our highest Displeasure. And for the more effectual Proceedings herein.

We

We do hereby direct and command Our Judges of Assizes, and Justices of the Peace, to give strict Charges at the respective Assizes and Sessions, for the due Prosecution and Punishment of all Persons that shall presume to offend in any the Kinds aforesaid, and also of all Persons that, contrary to their Duty, shall be remiss or negligent in putting the said Laws in Execution, and that they do, at their respective Assizes and Quarter-sessions of the Peace, cause this Our Proclamation to be publickly read in open Court, immediately before the Charge is given. And We do hereby further charge and command every Minister, in his respective Parish or Chapel, to read, or cause to be read, this Our Proclamation, at least four Times in every Year, immediately after Divine Service; and to incite and stir up their respective Auditories to the Practice of Piety and Virtue, and the avoiding of all Immorality and Profaneness. And to the End that all Vice and Debauchery may be prevented, and Religion and Virtue practised by all Officers, private Soldiers, Mariners, or others, who are employed in Our Service, either by Sea or Land, We do hereby strictly charge and command all Our Commanders and Officers whatsoever, that they do take Care to avoid all Profaneness, Debauchery, and other Immoralities, and that by the Piety and Virtue of their own Lives and Conversations they do set good Examples to all such as are under their Authority; and likewise to take care and inspect the Behaviour and Manners of all such as are under them, and to punish all those who shall be guilty of any the Offences

3

aforesaid.

aforesaid: And whereas several wicked and pro-
 fane Persons have presumed to print and
 publish several pernicious Books and Pam-
 phlets, which contain in them impious Doc-
 trines against the Holy Trinity, and other
 fundamental Articles of our Faith, tending
 to the Subversion of the Christian Religion;
 therefore, for the punishing the Authors and
 Publishers thereof, and for the preventing such
 impious Books and Pamphlets being pub-
 lished or printed for the future, We do hereby
 strictly charge and prohibit all Persons, that
 they do not presume to write, print, or pub-
 lish any such pernicious Books or Pamphlets,
 under the Pain of incurring Our high Displea-
 sure, and of being punished according to the
 utmost Severity of the Law. And We do hereby
 strictly charge and require all Our loving
 Subjects to discover and apprehend such Per-
 son and Persons, whom they shall know to be
 the Authors or Publishers of any such Books
 or Pamphlets, and to bring them before some
 Justice of Peace, or Chief Magistrate, in order
 that they may be proceeded against according
 to Law.

Given at Our Court at *Kensington*, the Four and
 twentieth Day of *February*, 1697. In the
 Tenth Year of Our Reign.

God save the KING.

Anno 13 & 14 Gul. III. Cap. 4.

*Oaths to be taken, and Declarations to be made,
by all Ecclesiastical Persons.*

AND be it further enacted by the Authority aforesaid, That all and every Person and Persons that shall be admitted, entered, placed, or taken into any Office or Offices, Civil or Military, or shall receive any Pay, Salary, Fee, or Wages, by reason of any Patent or Grant from His Majesty, or shall have Command or Place of Trust from or under His Majesty, or by His Authority, or by Authority derived from him, within this Realm of England, Dominion of Wales, Town of Berwick upon Tweed, or in His Majesty's Navy, or in the several Islands of Jersey and Guernsey, or that shall be admitted into any Service or Employment in His Majesty's Household or Family, or of His Royal Highness Prince George, or of Her Royal Highness the Princess Anne of Denmark, after the the said First Day of Easter Term aforesaid, shall take the said Oath at the same Time that he or they shall make and subscribe the Declaration mentioned in a Statute, made in the Five and Twentieth Year of the Reign of His late Majesty King Charles the Second, intituled, *An Act for preventing Dangers which may happen from Popish Recusants*; and all Ecclesiastical Persons, all Members of Colleges and Halls in either Universities, that are or shall be of the Foundation, being of, or as soon as they shall attain the Age of Eighteen Years, and all Persons teaching Pupils in either University, or elsewhere, and all Schoolmasters and Ushers, and all Preachers and Teachers of separate Congregations, and every Person who shall act as Serjeant at Law, Counsellor at Law, Barrister, Advocate, Attorney, Solicitor, Proctor, Clerk, or Notary, by practising in any Manner as such, in any Court or Courts whatsoever, who shall at any Time after the First Day of Easter Term aforesaid, be admitted into, or enter upon any of the before-mentioned Preferments, Benefices, Offices, or Places, or shall come into any such Capacity, or shall take upon him or them any such Practice, Employment, or Business, as aforesaid, shall, within Three Months after he or they shall be admitted into, or enter upon any such Preferment, Benefice, Office, or Place, or come into such Capacity, or take upon him or them such Practice, Employment,

ment or Business, as aforesaid, take and subscribe the said Oath in One of the said Courts at *Westminster*, or at the General Quarter Sessions of the County, City, or Place, where he or they shall reside.

EXTRACT out of the Act for the better Security of Her Majesty's Person and Government, and of the Succession to the Crown of England in the Protestant Line.

[Anno 4 Annæ, cap. 8.]

IT is enacted, That if any Person shall maliciously, advisedly, and directly, by Writing or Printing, declare, maintain, and affirm, That Our Sovereign Lady the Queen is not the lawful or rightful Queen of these Realms; or, that the pretended Prince of *Wales*, who now styles himself King of *England*, by the Name of *James the Third*, hath any Right or Title to the Crown of these Realms; or, that any other Person hath any Right or Title to the same, otherwise than according to the Act 1 *W. & M.* for declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown; and 12 *W.* III. for the farther Limitation of the Crown, &c.; or, that the Kings or Queens of *England*, with and by Authority of Parliament, are not able to make Laws and Statutes, of sufficient Force and Validity to limit and bind the Crown, and the Descent, Limitation, Inheritance, and Government thereof; every such Person shall be guilty of High Treason, and being thereof convicted and attainted, shall suffer Pains of Death, and all Losses and Forfeitures, as in Case of High Treason.

That if any Person shall, maliciously and directly, by Preaching, Teaching, or advised Speaking, declare, maintain, or affirm, That Our Sovereign Lady the Queen is not the lawful or rightful Queen of these Realms, or, that the pretended Prince of *Wales*, or any other Person, hath any Right or Title to the Crown of these Realms, otherwise than according to the aforesaid Acts; or that the Kings or Queens of *England*, with and by Authority of Parliament, are not able to make Laws and Statutes to limit and bind the Crown, and the Descent, Limitation, Inheritance, and Government thereof; every such Person, so doing, being thereof lawfully convicted, shall incur, the Danger and Penalty of *Præmunire*.

EXTRACT

EXTRACT of the Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants; and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors.

Anno 1 Geo. Cap. 13.

IT is enacted, That ----- all Ecclesiastical Persons, Heads, or Governors, of what Denomination soever, and all other Members of Colleges and Halls in any University, that are or shall be of the Foundation, or that do or shall enjoy any Exhibition, being of, or as soon as they shall attain the Age of Eighteen Years; and all Persons teaching or reading to Pupils in any University, or elsewhere; and all Schoolmasters and Ushers; and all Preachers and Teachers in separate Congregations-----who shall be admitted into, or enter upon, any of the before-mentioned Preferments, Benefices, &c. shall, within Three Months after he or they shall be admitted into, or enter upon any such Preferments, Benefices, &c. take and subscribe the Oaths in one of the Courts at *Westminster*, or at the General Quarter Sessions of the Place where he or they shall reside.

I A. B. do sincerely promise and swear, that I will be faithful, and bear true Allegiance, to His Majesty King George.

So help me God.

I A. B. do swear, That I do, from my Heart, abhor, detest, and abjure, as impious and heretical, that damnable Doctrine and Position, that Princes excommunicated or deprived by the Pope, or any Authority of the See of Rome, may be deposed or murdered by their Subjects, or any other whatsoever. And I do declare, That no Foreign Prince, Person, Prelate, State, or Potentate, hath, or ought to have, any Jurisdiction, Power, Superiority, Preeminence, or Authority, Ecclesiastical or Spiritual, within this Realm.

So help me God.

I A. B. do truly and sincerely acknowledge, profess, testify, and declare in my Conscience, before God and the World, that Our Sovereign Lord King George is lawful and rightful King of this Realm, and all other His Majesty's Dominions and Countries thereunto belonging. And I do solemnly and sincerely declare, That I do believe in my Conscience, that the Person pretended to be Prince of Wales, during the Life of the late King James, and since his Decease, pretended to be, and taking upon himself the Stile and Title of King of England, by the Name of James the Third, or of Scotland, by the Name of James the Eighth, or the Stile and Title of King of Great Britain, hath not any Right or Title whatsoever to the Crown of this Realm, or any other the Dominions thereto belonging: And I do renounce, refuse, and abjure any Allegiance or Obedience to him. And I do swear, That I will bear Faith and true Allegiance to His Majesty King George, and Him will defend, to the utmost of my Power, against all traiterous Conspiracies and Attempts whatsoever, which shall be made against His Person, Crown, or Dignity. And I will do my utmost Endeavour to disclose and make known to His Majesty, and His Successors, all Treasons, and traiterous Conspiracies which I shall know to be against him, or any of them. And I do faithfully promise, to the utmost of my Power, to support, maintain, and defend the Succession of the Crown against him the said James, and all other Persons whatsoever; which Succession, by an Act, intituled, An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject, is and stands limited to the Princess Sophia, Electress and Duchess Dowager of Hanover, and the Heirs of her Body, being Protestants. And all these Things I do plainly and sincerely acknowledge and swear, according to these express Words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, mental Evasion, or secret Reservation whatsoever. And I do make this Recognition, Acknowledgement, Abjuration, Renunciation, and Promise, heartily, willingly, and truly, upon the true Faith of a Christian.

So help me God.

That all Persons neglecting or refusing to take the said Oaths, and subscribe thereto, in the Courts and Places, and at the Times aforesaid, shall, *ipso facto*, be adjudged incapable, and disabled in Law, to enjoy the said Benefices, &c.

Extract of the Act 1 George, Cap. 13. 131

or any Profit or Advantage appertaining to them; and every such Benefice, &c. shall be void.

That all Persons, after such Neglect, executing any of the said Offices, by themselves, or their Deputy or Trustee, after the Time is expired wherein they ought to have taken the said Oaths, and being thereof convicted, shall be disabled from thenceforth to sue in any Court of Law or Equity, or to be Guardian or Executor, or capable of any Legacy or Deed of Gift, or to be in any Office, or to vote at any Election of Members to serve in Parliament, and shall forfeit 500 l.

That if any Head or Member of any College or Hall in *Oxford*, or *Cambridge*, shall neglect or refuse to take and subscribe the several Oaths, or to produce a Certificate thereof, under the Hand of some proper Officer of the Court, and cause the same to be entered in the Register of his College or Hall within One Month after; and if the Persons in whom the Right shall be do neglect or refuse to elect some other fitting or proper Person in his Stead, by the Space of Twelve Months; then His Majesty, under the Great Seal, or Sign Manual, may nominate some Person, qualified according to the local Statutes of the College, or Hall, to succeed in his Place.

That if the Head of any College, or Hall, or other Person lawfully authorised, shall not admit the Person so nominated by the Space of Ten Days after Admission be demanded; then the local Visitor of such College or Hall is to admit such Person to such Place, within One Month after the same shall be demanded of him; and if the Visitor refuse, then the Court of *King's Bench* shall issue out a Writ of *Mandamus* to the Visitor, to admit such Person into such Place, and proceed upon the said Writ, according to the Course of the said Court in such Cases.



By the QUEEN.

A PROCLAMATION for the Encouragement of Piety and Virtue, and for the preventing and punishing of Vice, Profaneness, and Immorality.

A N N E R.



WE most seriously and religiously considering, that it is an indispensable Duty on Us to be careful, above all other Things, to preserve and advance the Honour and Service of Almighty God, and to discourage and suppress all Vice, Profaneness, Debauchery, and Immorality, which are so highly displeasing to God, so great a Reproach to Our Religion and Government, and (by Means of the frequent ill Examples of the Practisers thereof) have so fatal a Tendency to the Corruption of many of Our loving Subjects, otherwise religiously and

and virtuously disposed, and which (if not timely remedied) may justly draw down the Divine Vengeance on Us and Our Kingdoms: We also humbly acknowledging, that We cannot expect the Blessing and Goodness of Almighty God, (by whom Kings and Queens reign, and on which We entirely rely), to make Our Reign happy and prosperous to Ourself and Our People, nor hope for the Divine Assistance to deliver Us from the great and imminent Dangers which Our Kingdoms, and the true Protestant Religion, established among Us, are in this present Juncture threatened with, without a religious Observance of God's holy Laws: To the Intent therefore that Religion, Piety, and good Manners, may (according to Our most hearty Desire) flourish and increase under Our Administration and Government, We have thought fit, (by the Advice of Our Privy Council), to issue this Our Royal Proclamation, and do hereby declare Our Royal Purpose and Resolution to discountenance and punish all Manner of Vice, Profaneness, and Immorality, in all Persons, of whatsoever Degree or Quality, within this Our Realm, and particularly in such as are employed near Our Royal Person; and that for the greater Encouragement of Religion and Morality, We will, upon all Occasions, distinguish Persons of Piety and Virtue by Marks of Our Royal Favour. And We do expect and require, that all Persons of Honour, or in Place of Authority, will give good Example by their own Virtue and Piety, and to their utmost contribute to the discountenancing Persons of dissolute and debauched Lives, that they being
by

by that Means reduced to Shame and Contempt, for their loose and evil Actions and Behaviour, may be thereby also enforced the sooner to reform their ill Habits and Practices, and that the visible Displeasure of good Men towards them may (as far as it is possible) supply what the Laws (probably) cannot altogether prevent. And We do hereby strictly enjoin and prohibit all Our loving Subjects, of what Degree or Quality soever, from playing on the Lord's Day at Dice, Cards, or any other Game whatsoever, either in Publick or Private Houses, or other Place or Places whatsoever; and do hereby require and command them, and every of them, decently and reverently to attend the Worship of God on every Lord's Day, on Pain of Our highest Displeasure, and of being proceeded against with the utmost Rigour that may be by Law. And, for the more effectual reforming of all such Persons, who, by reason of their dissolute Lives and Conversations, are a Scandal to Our Kingdom, Our further Pleasure is, and We do hereby strictly charge and command all Our Judges, Mayors, Sheriffs, Justices of the Peace, and all other Our Officers and Ministers, both Ecclesiastical and Civil, and all other Our Subjects, whom it may concern, to be very vigilant and strict in the Discovery, and the effectual Prosecution and Punishment of all Persons who shall be guilty of excessive Drinking, Blasphemy, profane Swearing and Cursing, Lewdness, Profanation of the Lord's Day, or other dissolute, immoral, or disorderly Practices; and that they take Care also effectually to suppress all

Bawdy-houses,

Bawdy-houses, publick Gaming-houses, and
 Places, and other disorderly Houses, and to
 put in Execution the Statute made in the
 Nine and twentieth Year of the Reign of Our
 late Royal Uncle King Charles the Second,
 intituled, An Act for the better Observation of
 the Lord's Day, commonly called *Sunday*; and
 also an Act of Parliament, made in the Ninth
 Year of the Reign of Our late dear Brother
 King William the Third, intituled, An Act
 for the more effectual suppressing of Blasphemy
 and Profaneness; and all other Laws now in
 Force for the punishing and suppressing any of
 the Vices aforesaid; and also to suppress and
 prevent all Gaming whatsoever in publick or
 private Houses on the Lord's Day, and like-
 wise that they take effectual Care to prevent all
 Persons keeping Taverns, Chocolate-houses,
 Coffee-houses, or other publick Houses whatso-
 ever, from selling Wine, Chocolate, Coffee,
 Ale, Beer, or other Liquors, or receiving or
 admitting Guests to be or remain in such their
 Houses, in the Time of Divine Service on
 the Lord's Day, as they will answer it to Al-
 mighty God, and upon Pain of Our highest
 Displeasure. And, for the more effectual Pro-
 ceeding herein, We do hereby direct and com-
 mand all Our Judges of Assize, and Justices
 of the Peace, to give strict Charges at their
 respective Assizes and Sessions, for the due Pro-
 secution and Punishment of all Persons that
 shall presume to offend in any the Kinds
 aforesaid, and also of all Persons that, contra-
 ry to their Duty, shall be remiss or negligent
 in putting the said Laws in Execution; and
 that they do, at their respective Assizes and
 Quarter-

136 A Proclamation against Profaneness.

Quarter-sessions of the Peace, cause this Our Proclamation to be publickly read in open Court, immediately before the Charge is given. And We do hereby further charge and command every Minister, in his respective Parish Church or Chapel, to read, or cause to be read, this Our Proclamation, at least four Times in every Year, immediately after Divine Service; and to incite and stir up their respective Auditories to the Practice of Piety and Virtue, and the avoiding of all Immorality and Profaneness. And, to the End that all Vice and Debauchery may be prevented, and Religion and Virtue practised, by all Officers, private Soldiers, Mariners, and others, who are employed in Our Service by Sea or Land, We do hereby strictly charge and command all Our Commanders and Officers whatsoever, that they do take care to avoid all Profaneness, Debauchery, and other Immoralities, and that, by their own good and virtuous Lives and Conversations, they do set good Examples to all such as are under their Care and Authority, and likewise take care of, and inspect the Behaviour of all such as are under them, and to punish all those who shall be guilty of any the Offences aforesaid, as they will be answerable for the ill Consequences of their Neglect herein.

Given at Our Court at *Whitehall*, the Twenty-sixth Day of *March*, 1702. In the First Year of Our Reign.

God Save the QUEEN.

EXTRACT

EXTRACT of the Act for the better collecting Charity-money on Briefs by Letters Patent, and preventing Abuses in relation to such Charities.

Anno 4 Annæ, Cap. 14.

IT is enacted, That upon issuing forth of Letters Patent for collecting Charity-money, commonly called *Briefs*, Copies thereof, to the Number required by the Petitioners, or their Agents; and no more, shall be printed by the King's Printer only, at the usual Rates of Printing; and shall be by him delivered to such Persons only as shall, with the Consent of the Petitioners, undertake the laying or disposing thereof, in order to the Collection of the Monies to be received thereon, who shall give a Receipt for the same, expressing the Number; which Receipt, or an attested Copy thereof, the Printer is to deliver to the Register of the Court of *Chancery*, there to be filed: And thereupon the Undertakers shall cause all the printed Copies to be indorsed with the Name of One or more of the Trustees, with the Time of signing, and cause the printed Copies to be stamped, and, with all convenient Speed, send the whole Number to the Churchwardens and Chapelwardens of the respective Churches and Chapels, and to the Preachers of every separate Congregation, and *Quakers*, in the Counties and Places comprised in the Letters Patent, to be read, and the Charity thereon to be collected, in the several Churches, &c. are to indorse the Time of the Receipt, and set their Names thereto; and shall forthwith deliver over the Briefs to the Ministers, who are also to indorse the Time of their Receipt, and openly read it on some *Sunday* within Two Months; and the Churchwardens, &c. are to collect the Money which shall be freely given, either in the respective Assemblies, or by going from House to House, as the Brief shall require; and the Sums collected are to be indorsed, in Words at Length, on the Briefs, and signed by the Minister and Churchwardens, or by the Teacher and Two Elders, or Two other substantial Persons, in separate Congregations; and then the Churchwardens, &c. are to deliver to the Undertakers the Briefs and Monies collected, taking a Receipt, on Pain that every Minister, &c. neglecting to do any of the Matters herein required, shall forfeit 20 *l.* And the Undertakers are,
within

within Six Months after placing the Briefs in the Parishes, &c. to demand them, and Monies received thereon, and give a Receipt, on Penalty of 20 l.

*EXTRACT of the Act for discharging
small Livings from their First-fruits and
Tenths, and all Arrears thereof.*

Anno 5 Annæ, Cap. 24.

IT is enacted, That all Ecclesiastical Benefices, with Cure of Souls, not exceeding the clear yearly Value of 50 l. by the improved Valuations of the same, and the Incumbents thereof for the Time being, their Heirs Executors, Administrators, Successors, and Sureties, shall be free and clearly discharged and acquitted for ever, of and from their First-fruits and Tenths, and all Arrears of the same.

That the respective Bishops of every Diocese, or the Guardians of the Spiritualities, *sede vacante*, and the Ordinaries of Peculiars, and Places of exempt Jurisdictions, shall, as well by Oaths of Two or more credible Witnesses, which they, or others duly commissioned by them, are to administer, as by all lawful Ways and Means, inform themselves of the clear improved yearly Value of every Benefice, with Cure of Souls, within their Diocese and Jurisdictions, not exceeding 50 l. *per Ann.* and by 25 March 1708, under their Hands and Seals, or Seals of their Offices, are to certify into the Court of Exchequer, the clear yearly Value of every such Benefice; and such Certificate being made and filed in the said Court, shall ascertain the clear yearly Value of the Benefice intended by the Act to be discharged by First-fruits and Tenths.

That this Act shall not tend to discharge any Benefices, the Tenths whereof were granted away by any of Her Majesty's Predecessors, in Perpetuity, before the Third of November, in the Third Year of Her Reign.

EXTRACT

EXTRACT of the Act to enlarge the Time for returning the Certificates of all Ecclesiastical Livings, not exceeding the yearly Value of Fifty Pounds; as also for discharging all Livings of that Value from the Payment of First-fruits; and for allowing Time to Archbishops and Bishops, and other Dignitaries, for Payment of their First-fruits.

Anno 6 Annæ, Cap. 27.

IT is enacted, That all Ecclesiastical Benefices, with cure of Souls, not exceeding the clear yearly Value of 50*l*. by the improved Valuations of the same, the Tenths whereof are not vested in the Corporation of the Governors of the Bounty of Queen *Anne*, and the Incumbents thereof, shall be free and clearly discharged, and acquitted for ever, of and from their First-fruits, and all Arrears of the same; and the ascertaining of the clear improved Valuations of such Benefices, shall be by the same Persons, and in the same Manner, as for other Livings, by the Act 5 *Annæ* Cap. 24.

That every Archbishop and Bishop shall have Four Years allowed him, when he shall compound for his First-fruits, to commence from the Time of Restitution of his Temporalities; and that, in every Year, he shall pay One-fourth Part of the whole Sum; and if he shall die, or be removed, before the full Term of Four Years be expired, he, his Heirs, &c. shall be discharged of so much as did not become due before his Death or Removal.

That all Deans, Archdeacons, Prebendaries, and other Dignitaries, shall compound for their First-fruits, as Rectors and Vicars have been accustomed to do: And in case of Death or Removal within the Time usually allowed to Rectors and Vicars for Payment of their First-fruits, they shall be in the like Condition, and have the same Benefit, as is allowed to Rectors and Vicars by the Act 1 *Eliz.* for Restitution of the First-fruits to the Crown.

Anno

Anno 6 Annæ, Cap. 21.

An Act for the avoiding of Doubts and Questions touching the Statutes of divers Cathedral and Collegiate Churches.

WHereas several Doubts and Questions have arisen, and may hereafter arise, in relation to the Validity and Force of the Statutes of divers Cathedral and Collegiate Churches, founded by King *Henry* the Eighth, of famous Memory; which Doubts and Questions have been occasioned, partly by a temporary Act of Parliament, made in the first Year of the Reign of Queen *Mary* the First, in relation to such Statutes made by the said late King *Henry* the Eighth, and in order to defeat the true and pious Ends and Designs of the said Foundations, and partly by reason of the known Loss of many Records and Evidences during the late Rebellion in this Kingdom: And whereas the said Doubts and Disputes may in Time not only turn to the great Disquiet and Prejudice of the said Foundations, but may prove a manifest Obstruction to the Peace, Order, good Government, and Discipline of the Church, unless some speedy and effectual Remedy be provided; be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cathedral and Collegiate Churches, founded by the said King *Henry* the Eighth, such Statutes as have been usually received and practised in the Government of the same respectively, since the late happy Restoration of King *Charles* the Second, and to the Observance whereof the Deans and Prebendaries, and other Members of the said Churches, from the said Time, have used to be sworn at their Instalments or Admissions, shall be, and shall be taken and adjudged to be good and valid in Law, and shall be, and be taken and adjudged to be, the Statutes of the said Churches respectively; nevertheless, so far forth only as the same, or any of them, are in no Manner repugnant to, or inconsistent with the Constitution of the Church of *England*, as the same is now by Law established, or the Laws of the Land.

Provided

Extract of the Act 7 Annæ c. 14. &c. 141

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall at any Time hereafter be liable to any Prosecution, Censure, or Punishment whatsoever, for not having observed any of the Statutes hereby ratified and confirmed, or for having done any Thing contrary to the same, on or before the Ninth Day of *March*, One thousand seven hundred and seven; any Thing herein contained to the Contrary notwithstanding.

Provided always, and be it enacted, That it shall and may be lawful for Her Majesty, during Her Life, (which God long preserve), from Time to Time to alter, amend, correct, revoke, diminish, or enlarge the said Statutes, or any of them, and to make new Statutes and Ordinances, for the said Cathedral and Collegiate Churches, and for reforming or settling the local Visitation of them, or any of them, in such Manner, from Time to Time, as to Her Majesty shall seem meet.

EXTRACT of the Act for the better Preservation of Parochial Livings in that Part of Great Britain called England.

Anno 7 Annæ, Cap. 14.

IT is enacted, That in every Parish or Place where a Library is or shall be erected, it shall be preserved for such Uses as the same is or shall be given, and the Orders and Rules of the Founders shall be observed.

That every Incumbent, Rector, Vicar, Minister, or Curate of a Parish, before he shall be permitted to use such Library, shall enter into such Security by Bond, or otherwise, for Preservation of the Library, and due Observation of the Rules and Orders belonging to it, as the proper Ordinaries shall think fit; and if any Books belonging to the Library shall be taken away and detained, the Incumbent, &c. or any other Person, may bring an Action of Trover and Conversion in the Name of the proper Ordinaries, whereupon Treble Damages shall be given with full Costs of Suit, as if the same were his proper Books; which Damages shall be applied to the Use of the Library.

The

142 **Extract of the Act 7 Annæ, Cap. 14. &c.**

The proper Ordinary, or his Commissary or Official, or the Archdeacon, or, by his Direction, his Official or Surrogate, if the Archdeacon be not the Incumbent of the Place where the Library is, may enquire into the State and Condition of the Libraries, and redress the Grievances and Defects of the same; and the proper Ordinary, as often as shall be thought fit, may appoint Persons to view the State of the Libraries; and the Ordinaries, Archdeacons, or Officials, shall have free Access to the same, at such Times as they shall appoint.

Where any Library is appropriated to the Use of the Minister of any Place, he shall make a Catalogue of all Books in the same, and sign it, thereby acknowledging the Possession of the said Books; which shall be delivered to the proper Ordinary to be kept in his Court, without Fee.

And where there are any Parochial Libraries already erected, the Incumbent shall make and sign a Catalogue of all the Books, to be delivered to the Ordinary by 29 Sept. 1709. And where any Library shall hereafter be given to the Use of any Place, where there shall be a Minister in Possession, he shall make a Catalogue of all the Books, and deliver it, as aforesaid, within Six Months after he shall receive such Library.

Immediately after the Death or Removal of the Minister, the Library belonging to the Place shall be shut up and locked, or otherwise secured by the Churchwardens, or by such Persons as the Ordinary, or Archdeacon, shall appoint, till a new Minister shall be admitted into the Church in such Place.

In case the Place where such Library is kept be used for any publick Occasion for Meeting of the Vestry, or otherwise, the Place shall be made use of as formerly, for such Purposes, and after such Business dispatched, shall be again forthwith shut, and locked up, or otherwise secured, as before directed.

A Book shall be kept in the Library for registering of all Benefactions and Books, as shall be given towards the same; and the Minister shall enter therein all Benefactions, and an Account of all such Books as shall be given, and by whom.

The Ordinary, together with the Donor, (if living), and after the Donor's Death, the Ordinary alone, may make such other Rules and Orders concerning the Library, over and above, and besides, but not contrary to such as the Donor shall judge fit; which Orders and Rules shall be entered in a Book for that Purpose, and kept in the Library.

None of the Books shall be alienable without the Consent of the Ordinary; and then only, when there is a Duplicate of such Books; and if any Books be taken or lost out of the Library, any Justice of Peace may grant his Warrant for Search; and if the Books be found, they shall be restored to the Library by Order of the Justice.

Not to extend to a publick Library lately erected at *Reigate* in *Surrey*, the said Library being constituted in another Manner than Libraries provided for by this Act.

EXTRACT of the Act for laying several Duties upon Soap, &c. and for better securing Her Majesty's Duties to arise in the Office for the Stamp-duties, by Licences for Marriages, and otherwise, &c.

Anno 10 Annæ, Cap. 19.

IT is enacted, That every Parson, Vicar, Curate, or other Person in holy Orders, beneficed or not beneficed, who shall marry without Publication of the Banns of Matimony, or without Licence from the Ordinary, shall, for every such Offence, forfeit 100 *l.*; to be recovered, with full Costs of Suit, by Action of Debt, &c. in any of the Courts at *Westminster*; One Moiety to the Crown, and the other to the Prosecutor: And if such Offender shall be a Prisoner in any Gaol, other than a County Gaol, at the Time of the Offence, and shall be duly convicted; then, on Oath made of such Imprisonment, before a Judge, and on producing a Copy of the Record of such Conviction, to be proved on Oath before the Judge, he is to grant his Warrant to the Keeper of the Gaol where the Offender is a Prisoner, to remove him to the County Gaol, there to remain charged in Execution with the Penalty inflicted by the Act, and with every the Causes of his former Imprisonment: And, if any Gaoler shall be privy to, or permit any Marriage to be solemnized in his Prison, before Publication of Banns, or Licence obtained, he shall, for every Offence, forfeit 100 *l.*

Saving to all Archbishops, Bishops, &c. the free Exercise of all Ecclesiastical Jurisdiction, and full Power and Authority of inflicting all such Pains and Censures, for this or any other Crime, as they might have done, if this Act had not been made. *Word*

EXTRACT

EXTRACT of the Act for taking away Mortuaries within the Dioceses of Bangor, Landaff, St. David's, and St. Asaph; and giving a Recompence therefore to the Bishops of the said respective Dioceses; and for confirming several Letters Patents granted by Her Majesty, for perpetually annexing a Prebend of Gloucester to the Mastership of Pembroke College in Oxford; and a Prebend of Rochester to the Provostship of Oriel College in Oxford; and a Prebend of Norwich to the Mastership of Catherine Hall in Cambridge.

Anno 12 Annæ, Cap. 6.

IT is enacted, That the Proviso or Clause in the Act ^{21 H. 8.} so far as the same relates to the taking of any Mortuary or Corse-present upon the Death of any Clergyman, within the Dioceses or Jurisdictions of *Bangor, Landaff, St. David's, and St. Asaph*, shall, from and after the respective Times hereafter mentioned, stand, and be absolutely repealed; and all and every Custom and Usage of paying or demanding any Mortuary or Corse-present, or any Goods or Things in the Name of a Mortuary or Corse-present, upon the Death of any Clergyman within the said Dioceses, shall for ever be absolutely abolished and void; and after the said Times, no Bishops of the said Dioceses, or their Farmers, Bailiffs, or Lessees, or others claiming under them, shall demand or take any Manner of Mortuary, or prosecute any Suit for any Mortuary, on Account of the Death of any Clergyman within the said Dioceses, at any Time after the said Times, *viz.*

Within the Diocese of *St. Asaph*, after 24 June 1714, and within the Diocese of *Landaff*, immediately after such Time as the Treasureship, with the Prebend thereto annexed, founded in the Cathedral Church of *Landaff*, shall next happen to be void, being in the Collation of the Bishop of the Diocese.

And

Extract of the Act 12 Annæ, Cap. 6. 145

And within the Diocese of *Bangor*, immediately after any Rectory *sine cura* shall next happen to be void, and be in the Collation of the Bishop of that Diocese, or of any of his Successors.

And within the Diocese of *St. David's*, immediately after the Prebend of *Langamarch*, founded in the collegiate Church of *Brecon*, shall next happen to be void.

And in Satisfaction to the Bishop of *St. Asaph*, the Rectory *sine cura*, which shall first, after 24 June, 1714, happen to be void, and be in the Collation of the Bishop of the said Diocese, shall immediately be annexed to the Bishoprick for ever.

And in Satisfaction to the Bishop of *Bangor*, the Rectory *sine cura*, which shall next happen to be void, and be in the Collation of that Bishop, shall immediately be annexed to the Bishoprick for ever.

But neither of the said Bishops of *St. Asaph* and *Bangor* may lease or let to Farm either of such Rectories *sine cura*, or any the Profits thereof, for any longer Time than such Bishop shall continue Bishop of that Diocese.

And, in Satisfaction to the Bishop of *Landaff*, whensoever the Treasurership, with the Prebend thereto annexed, founded in the Cathedral Church of *Landaff*, shall next happen to be void, the same shall immediately be annexed to the Bishoprick of *Landaff* for ever.

And, in Satisfaction to the Bishop of *St. David's*, whensoever the Prebend of *Langamarch* shall next happen to be void, it shall immediately be annexed to the Bishoprick of *St. David's* for ever.

The Letters Patents for perpetually annexing a Prebend of *Gloucester* to the Mastership of *Pembroke College* in *Oxford*; and the Prebend of *Rocheſter* to the Provostship of *Oriel College* in *Oxford*; and a Prebend of *Norwich* to the Mastership of *Catherine Hall* in *Cambridge*, are by this Act ratified and confirmed.

This Act shall be allowed to be a Publick Act.

Saving to Her Majesty the First-fruits and Tenths, payable in respect of such Rectories *sine cura*, and Treasurership and Prebend of *Landaff*, and Prebend of *Langamarch*.

Saving also to Her Majesty, and to the Lessees of the said Treasurership and Prebends, and to every Person whatsoever, all Right and Claim, as if this Act had not passed.

Anno 12 Annæ, Cap. 12.

An Act for the better Maintenance of Curates within the Church of England, and for preventing any Ecclesiastical Persons from buying the next Avoidance of any Church Preferment.

WHEREAS the Absence of beneficed Ministers ought to be supplied by Curates that are sufficient and licensed Preachers, and no Curates or Ministers ought to serve in any Place without the Examination and Admission of the Bishop of the Diocese, or Ordinary of the Place, having Episcopal Jurisdiction: But nevertheless, for want of sufficient Maintenance and Encouragement for such Curates, the Cures within that Part of *Great Britain* called *England* have been in several Places meanly supplied; for Remedy whereof, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Rector or Vicar, having Cure of Souls, shall, from and after the Nine and twentieth Day of *September*, in the Year of our Lord One thousand seven hundred and fourteen, nominate and present any Curate to the Bishop or Ordinary, to be licensed, or admitted to serve the Cure of such Rector or Vicar in his Absence; the said Bishop or Ordinary, having Regard to the Greatness of the Cure, and the Value of the Ecclesiastical Benefices of such Rector or Vicar, shall, on or before the granting such Licence, appoint, by Writing under his Hand and Seal, a sufficient certain Stipend or Allowance, not exceeding Fifty Pounds *per annum*, nor less than Twenty Pounds *per annum*, to be paid or answered, at such Times as he shall think fit, by such Rector or Vicar, to such Curate, for his Support and Maintenance: And if it shall appear to the Bishop or Ordinary, upon Complaint, or otherwise, that any Curate of such Rector or Vicar, licensed, or admitted before the said Nine and twentieth Day of *September*, in the Year of our Lord One thousand seven hundred and fourteen, hath not a sufficient Maintenance, it shall be lawful to and for the said Bishop or Ordinary to appoint him a certain Stipend or Allowance

Allowance, in like Manner as before mentioned: And in case any Difference shall arise between any Rector or Vicar and his Curate, touching such Stipend or Allowance, or the Payment thereof, the Bishop or Ordinary, on Complaint to him made, shall summarily hear and determine the same; and in case of Neglect or Refusal to pay such Stipend or Allowance, may sequester the Profits of such Benefice for or until Payment thereof. ✕

And whereas some of the Clergy have procured Preferments for themselves, by buying Ecclesiastical Livings, and others have been thereby discouraged; be it further enacted by the Authority aforesaid, That if any Person, from and after the Twenty-ninth Day of *September*, One thousand seven hundred and fourteen, shall or do, for any Sum of Money, Reward, Gift, Profit, or Advantage, directly or indirectly, or for or by reason of any Promise, Agreement, Grant, Bond, Covenant, or other Assurance, of or for any Sum of Money, Reward, Gift, Profit, or Benefit whatsoever, directly or indirectly, in his own Name, or in the Name of any other Person or Persons, take, procure, or accept the next Avoidance of or Presentation to any Benefice, with Cure of Souls, Dignity, Prebend, or Living Ecclesiastical, and shall be presented or collated thereupon; that then, every such Presentation or Collation, and every Admission, Institution, Investiture, and Induction upon the same, shall be utterly void, frustrate, and of no Effect in Law, and such Agreement shall be deemed and taken to be a Simoniackal Contract; and that it shall and may be lawful to and for the Queen's Majesty, Her Heirs and Successors, to present or collate unto, or give or bestow every such Benefice, Dignity, Prebend, and Living Ecclesiastical, for that one Time or Turn only; and the Person so corruptly taking, procuring, or accepting any such Benefice, Dignity, Prebend, or Living, shall thereupon, and from thenceforth, be adjudged a disabled Person in Law to have and enjoy the same Benefice, Dignity, Prebend, or Living Ecclesiastical; and shall also be subject to any Punishment, Pain, or Penalty, limited, prescribed, or inflicted by the Laws Ecclesiastical, in like Manner as if such corrupt Agreement had been made after such Benefice, Dignity, Prebend, or Living Ecclesiastical, had become vacant; any Law or Statute to the Contrary in any wise notwithstanding.

By an Act 36 George II. c. 24. § 3. The Stipend to Curates
has extended 75/10 ann. and the House garden and
stable to be granted to them if the Principal does not render
4 months in the year at least, or an annual sum
not exceeding 15/ in lieu thereof.

EXTRACT of the Act for rendering more effectual an Act, made in the Third Year of the Reign of King James the First, intituled, An Act to prevent and avoid Dangers which may grow by Popish Recusants: And also, of One other act, made in the First Year of the Reign of Their late Majesties King William and Queen Mary, intituled, An Act to vest in the Two Universities the Presentations of Benefices belonging to Papists: And for vesting in the Lords of Justiciary Power to inflict the same Punishments against Jesuits, Priests, and other trafficking Papists, which the Privy Council of Scotland was impowered to do, by an Act passed in the Parliament of Scotland, intituled, Act for preventing the Growth of Popery.

Anno 12 Anne, Cap. 14.

IT is enacted, That every Papist, and every Child, not being a Protestant, under the Age of Twenty-one, of every such Papist; and every Mortgagee, Trustee, or Person any ways intrusted, mediately or immediately, for such Papist or Child, whether such Trust be declared by Writing or not, shall be disabled to present, collate, or nominate to any Benefice, Prebend, or Ecclesiastical Living, School, Hospital, or Donative, or to grant any Avoidance of any Benefice, &c. and every such Presentation, and Admission thereupon, shall be utterly void; and in every such Case the Chancellor and Scholars of the University of Oxford, and the Chancellor and Scholars of the University of Cambridge, shall respectively have the Presentation to every such Benefice, &c. lying in the respective Counties, Cities, and other Places in the Act 3 James I. mentioned in the Case of a Popish recusant Convict.

Extract of the Act 12 Annæ, Cap. 14. 149

As often as any Presentation to any Benefice shall be brought to any Archbishop, Bishop, or other Ordinary, from any Person, who shall be reputed to be, or whom the Archbishop, Bishop, or other Ordinary, shall have Cause to suspect to be a Papist, or Trustee of any Person professing the Popish Religion, or suspected to be such, the Archbishop, &c. shall tender to every such Person, if present, the Declaration against Transubstantiation in the Act 25 Car. II.; and if such Person be absent, the Archbishop, &c. shall, by Notice in Writing, to be left at the Place of Habitation of such Person, appoint some convenient Time and Place, when and where such Person shall appear before him, or some Persons commissioned under his Seal of Office; and on such Appearance, shall tender the said Declaration to him; and in case of Refusal, the Presentation shall be void; and in such Case the Archbishop, &c. shall, within Ten Days next after, send a Certificate under his Seal of Office of such Refusal to the University, to whom such Presentation would of Right belong, if such Person, so presenting, had been a Popish recusant Convict; and the Chancellor and Scholars of that University may lawfully present a Person qualified to such Benefice, and the Presentation to such Benefice, for that Turn only, is vested in them for that Purpose.

And, for the better Discovery of all secret Trusts and fraudulent Conveyances of Avowsons, and Right of Presentation, the Bishop, before he gives Institution, may examine the Person presented, on Oath, whether, to the best and utmost of his Knowledge and Belief, the Person, who made such Presentation, be the real Patron, or whether the Person so presenting be not, mediately or immediately, Trustee for some other, or what Person by Name, who is a Papist, or the Child of such, or for any other, and what Person or Persons, or what he knows, has heard, or believes concerning the same; and if the Person presented shall refuse to be so examined, the Presentation shall be void.

The Chancellor and Scholars of the respective Universities, for the better Discovery of such secret and Fraudulent Trusts, may exhibit their Bill in any Court of Equity against the Presenters, and such Persons, as they have reason to believe to be the *Cestuique Trust* of the Advowson, or any other Person, who they have Cause to suspect may be able to make any further Discovery of such secret Trusts: To which Bill the Defendants, being duly served with the Process of the Court, shall forthwith directly answer to the Facts charged in the Bill, at the Direction of the Court: And if the Defendants

150 **Extract of the Act 12 Annæ, Cap. 14.**

shall not answer in such reasonable Time as shall be allowed by the Court, (the Distance of Place, and Circumstances of the Defendants considered,) then the Bill shall be taken *pro confesso*, and allowed as Evidence against such Persons, their Trustees, and Clerks. But every Person, having fully answered such Bill, and not knowing any Thing of such Trust for a Papist, or other Person disabled, shall be intitled to his Costs, to be taxed according to the Course of the Court.

The Court, where any *Quare impedit* shall be hereafter depending, at the Instance of either of the said Chancellors and Scholars, or their Clerks, being Plaintiffs or Defendants in such Suit, may make any Rule or Order, requiring Satisfaction, on the Oath of such Patron, or his Clerk, who shall contest the Right of the University, by Examination of them in open Court, or by Commission under the Seal of the Court, for Examination of them, or by Affidavit, as the Court shall find most proper, in order to the Discovery of any secret Trust, or Fraud, relating to the Presentation in Question: And if it appears that the Patron is but a Trustee, then the Patron, or his Clerk, shall discover who such Persons are, and where they inhabit, and on Refusal, they shall be punished as Persons guilty of a Contempt of the Court; and if the Patron, or his Clerk, shall discover the Person for whom he is a Trustee, then the Court shall make a Rule or Order, that the Person for whom the Patron is a Trustee shall, in open Court, or before Commissioners, make and subscribe the Declaration against Transubstantiation; and likewise, on Pain of incurring a Contempt of the Court, give such farther Satisfaction on Oath, relating to the said Trust, as the Court shall think fit; and such Person refusing or neglecting to make and subscribe the said Declaration shall be esteemed as a Popish recusant Convict in respect of such Presentation.

The Answer of such Patrons, and the Persons for whom they are intrusted, and their Clerks, and their Examinations and Affidavits taken by Order of the Court where the *Quare impedit* shall be depending, or by any Archbishop, &c. shall be allowed as Evidence against the Patron and his Clerk.

No such Bill, nor any Discovery made by any Answer thereto, or to any such Examination, shall subject any Person to any Penalty, other than the Loss of the Presentation in Question.

In case of any such Bill of Discovery, no Lapse shall incur, nor Plenarty be a Bar against the University, in respect of the Benefice, touching which such Bill shall be exhibited,
till

Extract of the Act 12 Annæ, Cap. 14. 151

till after Three Months from the Time that the Answer to the Bill shall be put in, or the same be taken *pro confesso*, or the Prosecution deserted. But such Bill must be exhibited before any Lapse incurred.

It is declared, That the Chancellors and Scholars are intitled to sue any Writ of *Quare impedit*, by the Name of Chancellor and Scholars of the University of *Oxford*, and so of *Cambridge*, or by their proper Names of Incorporation at their Election.

In case of any Trust discovered, the Court may enforce the producing of the Deeds relating to the said Trusts, by such Methods as they shall find proper.





By the KING,

A PROCLAMATION, for the Encouragement of Piety and Virtue, and for the preventing and punishing of Vice, Profaneness, and Immorality.

GEORGE R.



E most seriously and religiously considering, that it is an indispensable Duty on Us to be careful, above all other Things, to preserve and advance the Honour and Service of Almighty God, and to discourage and suppress all Vice, Profaneness, Debauchery, and Immorality, which are so highly displeasing to God, so great a Reproach to Our Religion and Government, and (by Means of the frequent ill Examples of the Practices thereof) have so fatal a Tendency to the Corruption of many

many of Our loving Subjects, otherwise religiously and virtuously disposed, and which (if not timely remedied) may justly draw down the Divine Vengeance on Us and Our Kingdoms: We also humbly acknowledging, That We cannot expect the Blessing and Goodness of Almighty God (by whom Kings reign, and on which We entirely rely) to make Our Reign happy and prosperous to Ourselves and Our People, without a religious Observance of God's holy Laws: To the Intent therefore that Religion, Piety, and Good Manners, may (according to Our most hearty Desire) flourish and increase under Our Administration and Government, We have thought fit, by the Advice of Our Privy Council, to issue this Our Royal Proclamation, and do hereby declare Our Royal Purpose and Resolution to discountenance and punish all Manner of Vice, Profaneness, and Immorality, in all Persons of whatsoever Degree or Quality within this Our Realm, and particularly in such as are employed near Our Royal Person; and that, for the Encouragement of Religion and Morality, We will, upon all Occasions, distinguish Persons of Piety and Virtue by Marks of Our Royal Favour. And We do expect and require that all Persons of Honour, or in Place of Authority, will give good Example by their own Virtue and Piety, and, to their utmost, contribute to the discountenancing Persons of dissolute and debauched Lives, that they being reduced by that Means to Shame and Contempt, for their loose and evil Actions and Behaviour, may be thereby also enforced the sooner to reform their ill Habits and Practices, and that the visible Displeasure of

154 A Proclamation against Profaneness.

of good Men towards them, may, (as far as it is possible,) supply what the Laws (probably) cannot altogether prevent. And We do hereby strictly enjoin and prohibit all Our loving Subjects, of what Degree or Quality soever, from playing on the Lord's Day at Dice, Cards, or any other Game whatsoever, either in Publick or Private Houses, or other Place or Places whatsoever; and We do hereby require and command them, and every of them, decently and reverently to attend the Worship of God on every Lord's Day, on Pain of Our highest Displeasure, and of being proceeded against with the utmost Rigour that may be by Law. And, for the more effectual reforming all such Persons, who, by reason of their dissolute Lives and Conversations, are a Scandal to Our Kingdom, Our further Pleasure is, and We do hereby strictly charge and command all Our Judges, Mayors, Sheriffs, Justices of the Peace, and all other Our Officers and Ministers, both Ecclesiastical and Civil, and all other Our Subjects, whom it may concern, to be very vigilant and strict in the Discovery, and the effectual Prosecution and Punishment of all Persons, who shall be guilty of excessive Drinking, Blasphemy, profane Sweating and Cursing, Lewdness, Profanation of the Lord's Day, or other dissolute, immoral, or disorderly Practices; and that they take Care also effectually to suppress all publick Gaming-houses and Places, and other lewd and disorderly houses, and to put in Execution the Statute made in the Twenty-ninth Year of the Reign of the late King Charles the Second, intituled, An Act for the better Observation of the Lord's Day,

A Proclamation against Profaneness. 155

Day, commonly called *Sunday*; and also an Act of Parliament, made in the Ninth Year of the Reign of the late King William the Third, intituled, An Act for the more effectual suppressing of Blasphemy and Profaneness, and all other Laws now in Force for the punishing and suppressing any of the Vices aforesaid; and also to suppress and prevent all Gaming whatsoever in publick or private Houses on the Lord's Day; and likewise that they take effectual Care to prevent all Persons keeping Taverns, Chocolate-houses, Coffee-houses, or other publick Houses whatsoever, from selling Wine, Chocolate, Coffee, Ale, Beer, or other Liquors, or receiving or permitting Guests to be or remain in such their Houses, in the Time of Divine Service, on the Lord's Day, as they will answer it to Almighty God, and upon Pain of Our highest Displeasure. And for the more effectual Proceeding herein, We do hereby direct and command all Our Judges of Assize, and Justices of the Peace, to give strict Charges at their respective Assizes and Sessions, for the due Prosecution and Punishment of all Persons that shall presume to offend in any of the Kinds aforesaid, and also of all Persons that, contrary to their Duty, shall be remiss or negligent in putting the said Laws in Execution; and that they do, at their respective Assizes and Quarter-sessions of the Peace, cause this Our Royal Proclamation to be publickly read in open Court, immediately before the Charge is given. And We do hereby further charge and command every Minister, in his respective Parish Church or Chapel, to read, or cause to be read, this Our Proclamation, at
least

155 A Proclamation against Profaneness.

east Four Times in every Year, immediately after Divine Service; and to incite and stir up their respective Auditories to the Practice of Piety and Virtue, and the avoiding of all Immorality and Profaneness. And to the End that all Vice and Debauchery may be prevented, and Religion and Virtue practised by all Officers, private Soldiers, Mariners, and others, who are employed in Our Service, by Sea and Land, We do hereby strictly charge and command all Our Commanders and Officers whatsoever, That they do take care to avoid all Profaneness, Debauchery, and other Immoralities; and that, by their own good and virtuous Lives and Conversations, they do set good Examples to all such as are under their Care and Authority; and likewise take care of, and inspect the Behaviour of all such as are under them, and punish all those who shall be guilty of any the Offences aforesaid, as they will be answerable for the ill Consequences of their Neglect herein.

Given at Our Court at *Leicester House*, the Thirty-first Day of *October*, One thousand seven hundred and sixty, in the First Year of Our Reign.

God save the KING.

Directions to Our Archbishops and Bishops, for the preserving of Unity in the Church, and the Purity of the Christian Faith concerning the Holy Trinity; and also for preserving the Peace and Quiet of the State.

GEORGE R.

MOST Reverend, and Right Reverend Fathers in God, We greet you well. Whereas We are given to understand, That there have of late been great Differences among some of the Clergy of this Our Realm, about their Ways of expressing themselves in their Sermons and Writings, concerning the Doctrine of the Blessed Trinity: And whereas also unusual Liberties have been taken by several of the said Clergy in intermeddling with the Affairs of State and Government, and the Constitution of the Realm, both which may be of very dangerous Consequence, if not timely prevented: We therefore, out of Our Princely Care and Zeal for the Preservation of the Peace and Unity of the Church, together with the Purity of the Christian Faith, and also for preserving the Peace and Quiet of the State, have thought fit to send you these following Directions, which We straitly charge and command you to publish, and to see that they be observed within your several Dioceses.

- I. That

1. **T**HAT no Preacher whatsoever, in his Sermon or Lecture, do presume to deliver any other Doctrine concerning the Blessed Trinity than what is contained in the holy Scriptures, and is agreeable to the Three Creeds, and the Thirty-nine Articles of Religion.

II. That in the Explication of this Doctrine they carefully avoid all new Terms, and confine themselves to such Ways of Expression as have been commonly used in the Church.

III. That Care be taken in this Matter, especially to observe the Fifty-third Canon of this Church, which forbids publick Opposition between Preachers; because, as that Canon expresses it, There groweth thereby much Offence and Disquietness unto the People: And, that above all Things, they abstain from bitter Invectives, and scurrilous Language against all Persons whatsoever.

IV. That none of the Clergy, in their Sermons or Lectures, presume to intermeddle in any the Affairs of State or Government, or the Constitution of the Realm, save only on such special Feasts and Fasts as are or shall be appointed by publick Authority; and then, no farther than the Occasion of such Days shall strictly require. Provided always, That nothing in this Direction shall be understood to discharge any Person from preaching in Defence of Our Regal Supremacy, established by Law, as often, and in such Manner, as the first Canon of this Church doth require.

V. That the foregoing Directions be also observed by those who write any Thing concerning the said Subjects.

VI. Whereas also We are credibly informed, That it is the Manner of some, in every Diocese, before their Sermon, either to use a Collect and the Lord's Prayer, or the Lord's Prayer only, which the Fifty-fifth Canon prescribes as the Conclusion of the Prayer, and not the whole Prayer, or at least to leave out Our Titles, by the said Canon required to be declared and recognized; We do further direct, That you require your Clergy, in their Prayer before Sermon, that they do keep strictly to the Form in the said Canon contained, or to the full Effect thereof.

VII. And whereas We also understand, That divers Persons, who are not of the Clergy, have of late presumed not only to talk and to dispute against the Christian Faith concerning the Doctrine of the Blessed Trinity, but also to write and publish Books and Pamphlets against the same, and industriously spread them through the Kingdom, contrary to the known Laws in that Behalf made and enacted; and particularly to One Act of Parliament, made in the Ninth Year of King *William* the Third, intituled, *An Act for*

Directions to the Archbishops, &c. 159

for the more effectual suppressing of Blasphemy and Profaneness :

We taking all the Matters above mentioned into our Royal and serious Consideration, and being desirous to do what in Us lies to put a Stop to these Disorders, do strictly charge and command you, together with all other Means suitable to your holy Profession, to make Use of your Authority according to Law, for the repressing and restraining of all such exorbitant Practices. And, for your Assistance, We will give Charge to Our Judges, and all other Our Civil Officers, to do their Duty herein, in executing the said Act, and all other Laws, against all such Persons as shall, by these Means, give Occasion of Scandal, Discord, and Disturbance in Our Church and Kingdom.

Given at Our Court at St. James's, the Eleventh Day
of December, 1714, in the First Year of Our Reign.

By His Majesty's Command,

TOWNSHEND.

His

His Grace the Archbishop of Canterbury's Letter to the Right Reverend the Lords Bishops of his Province. Lambeth, Feb. 21, 1770.

My LORD,

IT having been the unanimous Opinion of as many of our Brethren, the Bishops of this Province, as I have had an Opportunity of consulting, that it might be for the Service of Religion to revive, and enforce, with some small Variation, the Rules published by the Five last of my Predecessors in the See of *Canterbury*, soon after their Accession to it: I earnestly recommend to you,

I. **T**HAT you require of every Person, who desires to be admitted to holy Orders, that he signify to you his Name and Place of Abode, and transmit to you his Testimonial, and a Certificate of his Age, duly attested, with the Title upon which he is to be ordained, at least Twenty Days before the Time of Ordination; and that he appear on *Wednesday*, or at farthest on *Thursday*, in *Ember-Week*, in order to his Examination.

II. That if you shall reject any Person who applies for holy Orders, upon the Account of Immorality proved against him, you signify the Name of the Person so rejected, with the Reason of your rejecting him, to me, within One Month; that so I may acquaint the rest of my Suffragans with the Case of such rejected Person before the next Ordination.

III. That you admit not any Person to holy Orders, who having resided any considerable Time out of the University, does not send to you, with his Testimonial, a Certificate signed by the Minister, and other credible Inhabitants of the Parish where he so resided, expressing that Notice was given in the Church, in Time of Divine Service, on some *Sunday*, at least a Month before the Day of Ordination, of his Intention to offer himself to you to be ordained at such a Time: And that, upon such Notice given, no Objections have come to their Knowledge for the which he ought not to be ordained.

IV. That you admit no Letters Testimonial, on any Occasion whatsoever, unless it be therein expressed for what particular End and Design such Letters are granted; nor unless it be declared by those who shall sign them, that they have

The Archbishop's Letter to the Bishops, &c. 161

have personally known the Life and Behaviour of the Person for the Time by them certified; and do believe in their Conscience, that he is qualified for that Order, Office, or Employment, to which he desires to be admitted.

V. That in all Testimonials sent from any College or Hall, in either of the Universities, you expect that they be signed as well as sealed; and that, among the Persons signing, the Governor of such College or Hall, or, in his Absence, the next Person under such Governor, with the Dean, or Reader of Divinity, and the Tutor of the Person to whom the Testimonial is granted, (such Tutor being in the College, and such Person being undert he Degree of Master of Arts,) do subscribe their Names.

VI. That you admit not any Person to holy Orders upon Letters Dimissory, unless they are granted by the Bishop himself, or Guardian of the Spiritualties, *sede vacante*; nor unless it be expressed in such Letters, that he who grants them has fully satisfied himself of the Title, and Conversation, of the Person to whom the Letter is granted.

VII. That you make diligent Inquiry concerning Curates in your Diocese; and proceed to Ecclesiastical Censures against those who shall presume to serve Cures without being first duly licensed thereunto; as also against all Incumbents who shall receive and employ them, without first obtaining such Licence.

VIII. That you do not by any Means admit of any Minister who removes from another Diocese, to serve as a Curate in yours, without the Testimony in Writing of the Bishop of that Diocese, or Ordinary of the peculiar Jurisdiction, from whence he comes, of his good Life, Ability, and Conformity to the Ecclesiastical Laws of the Church of *England*.

IX. That you do not allow any Minister to serve more than one Church or Chapel in one Day, except that Chapel be a Member of the Parish Church, or united thereunto; and unless the said Church or Chapel, where such Minister shall serve in two Places, be not able, in your Judgement, to maintain a Curate.

X. That in the Instrument of Licence granted to any Curate, you appoint him, what shall appear to you, upon due Consideration of the Duty to be performed by him, the Value of the Benefice, and the other Circumstances of the Case, a sufficient Salary, according to the Power vested in you by the Laws of the Church, and the particular Direction of the Act of Parliament for the better Maintenance of Curates.

L

XI. That

162 **The Archbishop's Letter to the Bishops, &c.**

XI. That you take care, as much as is possible, that whosoever is admitted to serve any Cure do reside in the Parish where he is to serve; especially in Livings that are able to support a resident Curate: And where that cannot be done, that he do at least reside so near to the Place, that he may conveniently perform all the Duties both in the Church and Parish.

XII. That you be very cautious in accepting Resignations; and endeavour with the utmost Care, by every legal Method, to guard against corrupt and simoniacal Presentations to Benefices.

XIII. That you require your Clergy to wear their proper Habits, preserving always an evident and decent Distinction from the Laity in their Apparel; and to shew in their whole Behaviour, that Seriousness, Gravity, and Prudence, which becomes their Function.

These Directions I desire you would, with all convenient Speed, communicate to the Clergy of your Diocese, assuring them, that it is your fixed Resolution to make them the Rule of your own Practice. In the mean Time, commending you to the Divine Blessing, I remain,

My LORD,

Your truly affectionate Brother,

FRED. CANT.

At the Court at *St. James's*, the 28th Day of
April, 1721.

P R E S E N T,

The King's most Excellent Majesty in Council.



IS Majesty having received Information, which gives great Reason to suspect, that there have lately been, and still are, in and about the Cities of *London* and *Westminster*, certain scandalous Clubs or Societies of young Persons, who meet together, and, in the most impious and blasphemous Manner, insult the most sacred Principles of our holy Religion, affront Almighty God himself, and corrupt the Minds and Morals of one another: And being resolved to make Use of all the Authority committed to him by Almighty God to punish such enormous Offenders, and to crush such shocking Impieties, before they increase and draw down the Vengeance of God upon this Nation, His Majesty has thought fit to command the Lord Chancellor, and his Lordship is hereby required to call together His Majesty's Justices of the Peace of *Middlesex* and *Westminster*, strictly to enjoin them, in the most effectual Manner, that they, and every of them, do make the most diligent and careful Inquiry and Search for the Discovery of any Thing of this and the like Sort, tending in any wise to the Corruption of the Principles and Manners of Men; and to lay before his Lordship such Discoveries as, from Time to Time, may be made; to the End that all proper Methods may be taken for the utter Suppression of all such detestable Practices. His Lordship is further directed to urge them to the due Execution of their Office, in detecting and prosecuting with Vigour all Profaneness, Immorality, and Debauchery, as they value the Blessing of Almighty God, as they regard the Happiness of their Country, which cannot subsist, if Things sacred and virtuous are trampled upon, and as they tender His Majesty's Favour, to which they cannot recommend themselves more effectually, than by shewing the utmost Zeal upon so important an Occasion; to which End his Lordship is to acquaint them, that as His Majesty for

164 Order of Council against Profaneness.

himself has nothing more at Heart, than to regard the Honour of God, so impiously struck at, and is determined to shew all Marks of Displeasure and Discouragement to any who may lie even under the Suspicion of such Practices; so he shall always account it the greatest and most substantial Service they can do to His Majesty, or His Government, to exert themselves in discovering any who are guilty of such Impieties; that they may be openly prosecuted, and punished with the utmost Severity, and most publick Ignominy, which the Laws of the Land can inflict.

Edward Southwell.

DIREC.

DIRECTIONS to Our Archbishops and Bishops, for the preserving of Unity in the Church, and the Purity of the Christian Faith; particularly in the Doctrine of the Holy Trinity. *Anno Dom. 1721.*

G E O R G E R.

MOST Reverend, and Right Reverend, Fathers in God, We greet you well. Whereas We have been given to understand, that divers impious Tenets and Doctrines have been of late advanced and maintained with much Boldness and Openness, contrary to the great and fundamental Truths of the Christian Religion, and particularly to the Doctrine of the holy and ever-blessed TRINITY; and that moreover divers Persons, as well of the Clergy as Laity, have presumed to propagate such impious Doctrines, not only by publick Discourse and Conversation, but also by writing and publishing Books and Pamphlets in Opposition to the said sacred Truths, to the great Dishonour of Almighty God, the Disturbance of the Peace and Quiet of this Our Church and Nation, and the Offence of all pious and sober-minded Christians:

We therefore, out of Our princely Care and Zeal for preserving the Purity of the Christian Faith, of which We are, under God, the chief Defender; and also for preserving the Peace and Quiet of Church and State, do strictly charge and require you Our Archbishops and Bishops, to whom, under Us, the Care of Religion more especially belongs, That you do, without Delay, signify to the Clergy of your several Dioceses this Our Royal Command, which We require you to see duly published and observed; namely, *That no Preacher whatsoever, in his Sermon, or Lecture, do presume to deliver any other Doctrine, concerning the great and fundamental Truths of Our most holy Religion, and particularly concerning the blessed TRINITY, than what are contained in the holy Scriptures, and are agreeable to the Three Creeds, and the Thirty-nine Articles of Religion.*

And whereas divers good Laws have been enacted for the restraining the exorbitant Liberties aforesaid, one particularly in the Thirteenth Year of Queen *ELIZABETH*, intituled, *An Act for Ministers of the Church to be of sound Religion;*

Religion; by which it is provided, "That if any Person Ecclesiastical, or which shall have Ecclesiastical Livings, shall advisedly maintain or affirm any Doctrine directly contrary or repugnant to the Thirty-nine Articles, and being convented before the Bishop of the Diocese, shall persist therein, or not revoke his Error, or after such Revocation ~~estsoon~~ affirm such untrue Doctrine, such maintaining, or affirming, and persisting, or such ~~estsoon~~ affirming, shall be just Cause to deprive such Person of his Ecclesiastical Promotion; and it shall be lawful to the Bishop of the Diocese, or the Ordinary, to deprive such Person so persisting, or lawfully convicted of such ~~estsoons~~ affirming; and upon such Sentence of Deprivation pronounced, he shall be indeed deprived." And One other Act of Parliament; made in the Ninth Year of King *WILLIAM* the Third, intitled, *An Act for the more effectual suppressing of Blasphemy and Profaneness*; by which it is provided, "That if any Person shall, by Writing, Printing, Teaching, or advised Speaking, deny any One of the Persons in the holy TRINITY to be God; or shall assert or maintain there are more Gods than One; or shall deny the Christian Religion to be true; or the holy Scriptures of the Old and New Testament to be of Divine Authority; and shall, upon Indictment, or Information in any of His Majesty's Courts at *Westminster*, or at the Assizes, be thereof lawfully convicted by the Oath of Two or more credible Witnesses; such Person, for the First Offence, shall be adjudged incapable and disabled in Law to have or enjoy any Office or Employment, Ecclesiastical, Civil, or Military; and that if any Person so convicted, as aforesaid, shall, at the Time of his Conviction, enjoy or possess any Office, Place, or Employment, such Office, Place, or Employment, shall be void; and if he offend, and be convicted a Second Time of any of the said Crimes, he shall be disabled to sue, prosecute, plead, or use any Action or Information, in any Court of Law or Equity, or to be Guardian of any Child, or Executor, or Administrator of any Person, or capable of any Legacy, or Deed of Gift, or to bear any Office, Civil or Military, or Benefice Ecclesiastical, for ever, within this Realm; and shall also suffer Imprisonment for the Space of Three Years, without Bail or Mainprize, from the Time of such Conviction." We therefore, being desirous to discountenance and suppress all such impious Attempts and Practices to the utmost of Our Power, do strictly charge and command you to make use of your own Authority for that End, according to the Tenor and Direction of the said Act, made in the Thirteenth

Directions, &c. Anno Dom. 1721. 167

teenth Year of Queen ELIZABETH; together with all other Means and Endeavours fuitable to your holy Profession, for opposing and suppressing all such Practices. And We, on Our Part, will give strict Charge to Our Judges, and all other Civil Officers, to do their Duty, in executing the said Act, made in the Ninth Year of King WILLIAM the Third, and all other the good and wholesome Laws made for the Preservation of Our holy Religion, upon such Persons as shall offend against the same, and thereby give Occasion of Scandal and Disturbance in Our Church and Kingdom.

Given at Our Court at *St. James's* the Seventh Day of *May*, 1721, in the Seventh Year of Our Reign.

By His Majesty's Command,

CARTERET.

THE



T H E I N D E X.

| | |
|---|---------|
| T HE Preface. | |
| King <i>Charles</i> the First's Declaration concerning the Articles of the Church of <i>England</i> , | Page 1. |
| Articles of Religion, 1562, | 3. |
| Queen <i>Elizabeth's</i> Ratification of the same | 14. |
| The Table of the Articles of Religion, | 15. |
| King <i>James</i> the First's Licence to the Convocation, 1603, for compiling of the Canons, | 17. |
| The Canons, | 19. |
| King <i>James</i> the First's Ratification and Injunction of same, | 79. |
| The Table of them, | 81. |
| An Admonition to all such as shall intend to enter the State of Matrimony, | 87. |
| Degrees of Marriage, | 89. |
| K. <i>William</i> III's Injunction to the Clergy, 1694, | 91. |
| His Directions to the Clergy, 1695, | 95. |
| Act 3 <i>Jac.</i> I. for a publick Thanksgiving on the Fifth Day of <i>November</i> , to be read in Churches, | 97. |
| Act 3 <i>Jac.</i> I. to restrain the Abuse of Players, | 99. |
| Act 4 <i>Jac.</i> I. against Drunkenness, | ibid. |
| Act 21 <i>Jac.</i> I. against the same, | 103. |
| Act 12 <i>Car.</i> II. for a perpetual Thanksgiving on the 29th Day of <i>May</i> , to be read in Churches, | 105. |
| M | Act |

I N D E X.

- Act 29 *Car.* II. for the better Observation of the
Lord's Day, Page 107.
Extract of the Act for burying in Woollen, 30
Car. II. 110.
Additional Act for burying in Woollen, 32 *Car.* II.
111.
Act 1 *W. & M.* that the simoniacal Promotion of one
Person shall not prejudice another, 112.
Act 6 & 7 *W.* III. against Cursing and Swearing, to
be be read in Churches, 113.
Act 7 *W.* III. for the more easy Recovery of Small
Tithes, 115.
Act 9 & 10 *W.* III. against Blasphemy and Profane-
ness, 120.
A Proclamation for punishing the same, 1697, 122.
Oaths to be taken, and Declarations to be made by
all Ecclesiastical Persons, 13 & 14 *W.* III. 127.
Idem 4 *Annæ.* 128.
Idem 1 *Geo.* 129.
A Proclamation for the Encouragement of Piety
and Virtue, and for the preventing and punishing
Vice, Profaneness, and Immorality, 1702, to be
read in Churches, 132.
Extract of the Act 4 *Annæ*, for the better collect-
ing Charity-money on Briefs, 137.
Extract of Act 5 *Annæ*, for discharging Small Livings
of First-fruits and Tenths, 138.
Extract of Act 6 *Annæ*, of the same, 139.
Act 6 *Annæ*, concerning the Statutes of Cathedral
Churches, 140.
Extract of Act 7 *Annæ*, for parochial Libraries, 141.
Part of Act 10 *Annæ*, relating to Clandestine Mar-
riages, 143.
Extract of Act 12 *Annæ*, for taking away Mortuaries
within the Dioceses of *Bangor, Landaff, St. David's*
and

I N D E X.

- and St. *Asaph*; and giving a Recompence therefore to the Bishops of the said respective Dioceses; and for confirming several Letters Patents granted by Her Majesty, for perpetually annexing a Prebend of *Gloucester*, to the Mastership of *Pembroke* College in *Oxford*; and a Prebend of *Rocheſter* to the Provostship of *Oriel* College in *Oxford*; and a Prebend of *Norwich* to the Mastership of *Catherine Hall* in *Cambridge*, 144.
- Act 12 *Annæ*, for the better Maintenance of Curates, and for preventing any Ecclesiastical Persons from buying the next Avoidance of any Church-preferment, 146.
- Extract of the Act 12 *Annæ*, for rendering more effectual the Acts 3 *Jac.* I. and 1 *W. & M.* for vesting in the Two Universities the Presentation of Benefices belonging to Papists. 148.
- A Proclamation against Immorality and Prophaneness. 1 *Geo.* III. 152.
- K. *George*'s Directions to the Archbishops and Bishops, 1714. 157.
- His Grace the Archbishop of *Canterbury*'s Letter and Directions, 160.
- The Order of Council against Profaneness and Immorality, 163.
- K. *George* the ~~first~~'s Directions to the Archbishops and Bishops, 1721. 165.

W. E. M. I.

This image shows a blank, aged, cream-colored page, likely an endpaper or flyleaf of a book. The paper has a slightly textured appearance with some minor discoloration and faint smudges, characteristic of old paper. A vertical crease is visible down the center of the page. The left edge shows the binding of the book, and the overall tone is a warm, off-white or light beige.

[Faint, illegible text]

THE UNIVERSITY OF CHICAGO

100